BASTROP ISD
POLICE DEPARTMENT

Policy Manual

This policy manual is the property of the Bastrop ISD Police Department, Bastrop, Texas.

Whenever employees sever their employment with the Bastrop ISD Police Department, the employees will return this Policy Manual to the Chief of Police or their designated property officer.

Scot Bunch, Chief of Police

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BASTROP ISD POLICE DEPARTMENT POLICY MANUAL

TABLE OF CONTENTS

PART 1: PROFESSIONAL STANDARDS AND CONDUCT

Chapter 1 - Oath of Office

Chapter 2 – Missions and Goals

2.1 – Mission Values and Written Directives
2.2 – Goals and Objectives
Mission Statement

Chapter 3 – Code of Conduct
3.1 – Code of Conduct
3.2 – Rules of Conduct
3.3 – Sexual Harassment
3.4 – Use of Social Media

PART 2: ADMINISTRATION AND ORGANIZATION

Chapter 4 - Administration

4.1 – Administration
4.2 – Jurisdiction Organization and Authority
4.3 – Fiscal Management
4.4 – Inspection and Audits
4.5 – Mutual Aid
4.6 – Departmental Reports
4.7 – Internal Investigation Process
4.8 – Computers and Electronic Equipment
Organizational Chart

Chapter 5 - Personnel
5.1 – Complaint Procedures
5.2 – Duty Assignments and Promotions
5.3 – Evaluations
5.4 – Off Duty Employment
5.5 – Qualifications and Duties
5.6 – Hiring and Selections of Personnel
5.7 – Training
5.8 – Field Training
5.9 – FTO Program
5.10 – Personal Appearance and Grooming
5.11 – Supervisor Responsibilities
5.12 – Employee Discipline

5.13 – Appointment and Probation
5.14 – Career Development, Promotions and Transfers
5.15 – Performance Evaluations
5.16 – Grievance Process
5.17 – Reserve Officer Program

PART 3: PATROL OPERATION

Chapter 6 – Patrol Operations

6.1 – Patrol Operations
6.2 – Alarm Responses
6.3 – Domestic Violence
6.4 – Body Armor
6.5 – Mobile Data Terminal and CJIS Security
6.6 – Motor Vehicle Towing and Inventory
6.7 – Bias Based Policing
6.8 – POV (Point of View) Camera – Body Camera Patrol SOP

Chapter 7 - Vehicle Operation

7.1 – Vehicle Operations and Pursuits
7.2 – Accident and Injury Prevention

Chapter 8 - Traffic Enforcement and Vehicle Stops

8.1 – Traffic Enforcement and Vehicle Stops
8.2 – Search Incident to Arrest and Other Searches Without a Warrant

PART 4: INVESTIGATIONS

Chapter 9 – Investigations

9.1 – Investigations
9.2 – Child Abuse
9.3 – Crime Scene
9.4 – Officer Involved Shooting Investigation
9.5 – Sexual Assault
9.6 – Wanted and Missing Person
9.7 – Arson
9.8 – Eyewitness Identification
9.9 – Domestic Violence and Protective Orders
9.10 – Accident Investigations
9.11 – Informants

Chapter 10 – Juvenile

10.1 – Operations Function
10.2 – Development of Policies and Procedures

10.3 – Agency Referrals
10.4 – Custody
10.5 – Custodial Interrogations
10.6 – Notifications of Schools
10.7 – Juvenile Operations
10.8 – Juvenile Processing Procedures

PART 5: USE OF FORCE

Chapter 11 – Use of Force
11.1 – Use of Force
11.2 – Electronic Control Weapons
11.3 – Chemical Munitions and Delivery Devices
11.4 – Specialty Impact Munitions
11.5 – Diversionary Devices
11.6 – Implementation and Use of Patrol Rifle
11.7 – Firearms and Qualifications
11.8 – Non-Lethal and Less than Lethal Weapons
11.9 – De-escalation Techniques for SPED

PART 6: LAW ENFORCEMENT OPERATIONS

Chapter 12 - Arrest and Detention
12.1 – Arrest and Detention
12.2 – Field Interviews and Detention
12.3 – Constitutional Requirements and Officer Discretion
12.4 – Arrests With or Without a Warrant
12.5 – Prisoner Restraint
12.6 – Arrest of Transgender, Intersex, Non-conforming Individuals
12.7 – Firearms on School Property

Chapter 13 – Prisoners
13.1 – Prisoners
13.2 – Custodial Statement and Confessions
13.3 – Juveniles
13.4 – Prisoner Transportation
13.5 – Prisoner Restraints

Chapter 14 – Special Needs and Disabilities
14.1 – Mental Health
14.2 – Dealing with the Developmentally Disabled
ADA Guide for Law Enforcement Officers When Communicating with People Who are Deaf or Hard of Hearing

Chapter 15 - Searches and Search Warrants

15.1 – Searches and Search Warrants
15.2 – Search Incident to Arrest and Other Searches Without a Warrant

Chapter 16 - Property and Evidence
16.1 – Property and Evidence

Chapter 17 - Crime Prevention
17.1 – Crime Prevention

Chapter 18 – Jail and Detentions
18.1 – Prisoner Processing

PART 7: COURT PROCEEDINGS and LEGAL AFFAIRS

Chapter 19 - Testimony and Court Proceedings
19.1 – Testimony and Court Proceedings

Chapter 20 - Legal Affairs
20.1 – Legal Affairs

PART 8: PUBLIC RELATIONS

Chapter 21 - Public and Media Relations
21.1 – Public and Media Relations
21.2 – Social Media
21.3 – Limited English Proficiency
21.4 – Communications with the Deaf or Hearing Impaired
21.5 – Citizen or Media Recording of Police Incident

Chapter 22 - Civilian Ride Along
22.1 – Civilian Ride Along

PART 9: UNUSUAL OCCURRANCES

Chapter 23 - Communicable Diseases
23.1 – Communicable Diseases

Chapter 24 - Line-of-Duty Deaths
24.1 – Line of Duty Death

Chapter 25 – Sex Offender Registration
25.1 – Sex Offender Registration

Chapter 26 – Unusual Occurrences and Situations

26.1 – Unusual Occurrences and Special Situations
26.2 – Civil Disturbances and Mass Arrests
26.3 – Active Shooter
26.4 – Emergency Response Team

PART 10: RADIO COMMUNICATIONS

Chapter 27 – Radio Communications
27.1 – Radio Communications

PART 11: DEPARTMENT FORMS AND MANUALS

Chapter 28 – Department Forms

Chapter 29 – Background Investigation Manual

Chapter 30 – Field Training Manual and Documents

Chapter 31 – Performance Evaluation Manual

Chapter 32 – Texas DPS Physical Evidence Handbook

Chapter 33 – Texas School Crime and Discipline Handbook

Chapter 34 – Juvenile Justice Handbook

	Subject: Oath of Office	Issue Date: 11/30/2015
	Chapter: 1	Revision Date: 06/01/2020
	Policy: 1.1	Total Pages: 1 Chief Bunch's signature:

Oath of Office

I. Policy:

All personnel prior to assuming sworn status will take and subsequently abide by an Oath of Office to enforce the law and uphold the Constitution of the United States and all applicable local and state laws while respecting the constitutional rights of all persons.

II. Procedure:

Upon appointment as police officers with the Bastrop ISD Police Department, the newly appointed police officers will be administered an Oath of Office in accordance with state law.

A. The Chief of Police is responsible for ensuring that all sworn officers have been given the Oath of Office, in accordance with state law.

    1. The Oath of Office shall be filed in the agency's personnel file, marked TCOLE file.

B. All sworn officers shall abide by their Oath of Office to enforce the law and uphold the United States Constitution, the Texas Constitution, as well as, all applicable state/federal laws, including BISD policy, rules, and ordinances.

	Subject: Mission, Values, and Written Directive System	Issue Date: 11/30/2015
	Chapter: 2	Revision Date: 05/01/2020
	Policy: 2.1 Reference: TBP: 1.04	Total Pages: 5 Chief Bunch's signature:

Mission, Values, and Written Directive System

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 variety of tasks which create safe communities. At the same time, these administrators seek to improve employees' 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 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 Bastrop ISD Police Department, its Policy and Procedure Manual, its authority, and defines three kinds of statements that appear in these documents: policy, rule, and procedure. It also states the department's mission and core values.

III. AGENCY MISSION AND VALUES

Mission: The Bastrop ISD Police Department exists to ensure sufficient security and protection of students, staff, and property. It is our mission to work in partnership with the support of its students, staff, and community in an effort to protect all citizens. We shall work vigorously to detect and to prevent crime and, in doing so, the agency recognizes and respects the constitutional rights of all. This department shall respond effectively to the changing needs of our school district and community and shall aid in the promotion of mutual respect between the police department and those we serve. We shall remain committed to creating and maintaining a safe educational environment for our students and staff.

Core Values:

Honor: Honor is the value of personal and professional accountability displayed through integrity, honesty, and ethical behavior. It means understanding and doing what is right and taking pride in the district's acknowledgement of that reputation. We recognize the privilege of serving our school district and strive to treat everyone with dignity and respect.

Unity: When there is unity, there is strength. We will work together, as one department, to unite our schools, students, staff, and community as we work together to accomplish our mission.

Integrity: We are committed to the highest standards of honesty, moral standards, and ethical conduct, which are the cornerstones of our profession. We will value and uphold the public trust in our commitment to our core values. This commitment holds true in both our personal and professional lives.

IV. DEFINITIONS

A. Policy

1. A policy is a statement of the department's philosophy on a given issue. Policy consists of principles and values, which guide the performance of department employees. Further, policy is based upon ethics, experience, the law, and the needs of the community.

2. Each section of the Manual will begin with an agency policy statement.

B. Rule

1. A rule is a specific prohibition or requirement governing the behavior of employees.

2. Rules permit little, if any, deviation. Violations of rules normally result in disciplinary action.

3. Rules appear in the Policy and Procedure Manual as well as other departmental documents.

C. Procedure

1. 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.

2. A failure to follow a procedure may result in discipline. Procedures constitute the agency-approved guide to performing tasks. Employees may depart from procedures only when, in their professional judgment, the situation warrants. Employees must be prepared to justify their actions in not following the defined procedure.

D. Memorandum

1. 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.

2. Memoranda are not part of this manual. Memoranda may be issued by the Chief of Police or by other personnel or agencies. However, memoranda may be incorporated into future editions of this manual.

V. WRITTEN DIRECTIVES (TBP: 1.04)

A. Departmental Policy Manual and Standard Operating Procedures.

1. The Policy Manual contains policy, 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 Standard Operating Procedure.

b. While created by various offices within the department, the Chief of Police approves Standard Operating Procedures.

B. No policy, rule, regulation, procedure or memorandum is valid unless signed by the Chief of Police or the Chief's 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 Standard Operating Procedure by forwarding the suggestion through their chain of command.

E. The Chief of Police or the Chief's designee will completely review the Policy Manual and Standard Operating Procedures at least biennially to ensure continued compliance with Texas law, department operations, and school district policy. 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.

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.

B. All employees are responsible for the receipt of and adherence to all written directives that affect the employee and the employee's work status.

C. All employees are responsible for receipt and maintenance of all directives that are distributed to that employee. All employees of the Department shall sign a statement acknowledging that they have received, read, understand, and agree 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 illegal or in conflict with other orders or directives, the employee shall immediately notify a supervisor who shall provide instruction or training as necessary. Notification by employee to supervisor will be documented in writing as will the instruction or training provided by supervisor to employee.

D. Copies of the statements of receipt (See C above) shall be maintained in the written directive file.

E. All employees shall comply with the provisions of these directives and the BISD Employee Handbook. If an issue is not addressed in the BISD Employee Handbook, these directives shall apply. In the event a conflict exists between these directives and the BISD Employee Handbook, the BISD Employee Handbook shall control unless the Department Policy Manual is more restrictive.

F. The Policy Manual and Standard Operating Procedures apply to all sworn officers and non-sworn employees of the Police Department both on and off duty.

	Subject: Departmental Goals and Objectives	Issue Date: 11/30/2015
	Chapter: 2	Revision Date: 04/01/2020
	Policy: 2.2	Total Pages: 2 Chief Bunch's signature:

Departmental Goals and Objectives

I. POLICY

The Bastrop ISD Police Department will construct a long term Strategic Plan that is consistent with the goals, mission, and objectives of the Bastrop Independent School District. The Strategic Plan will outline the organizational goals and objectives over a three to five year period. The Chief of Police or the Chief's designee will update the Strategic Plan by eliminating goals which have been accomplished and adding new goals that have been developed.

II. PURPOSE

To outline the process used by departmental personnel in the development of Departmental Goals and Objectives.

III. ANNUAL GOALS AND OBJECTIVES

A. Each August, after the revision of the Strategic Plan, the Chief of Police will develop Annual Goals and Objectives for the Department. This one-year plan will consist of those goals in the Strategic Plan that are identified for accomplishment that year plus any additional department specific goals that need to be addressed.

B. The Chief of Police shall forward a report on the accomplishment of the previous year's goals to the Superintendent by the 10th day of September of each year.

C. All supervisors are responsible for insuring that all personnel under their command are given the opportunity to provide input to the goals, objectives and strategies of each organizational component.

D. Upon completion, the One-Year Plan shall be distributed to all departmental personnel. It is the responsibility of each supervisor to ensure that personnel under the supervisor's command receive the goals, objectives and strategies of their organizational component.

E. The Chief of Police reviews semi-annually with the supervisory staff the progress in attaining the goals, objectives, and strategies of each organizational component.

IV. INDIVIDUAL PERFORMANCE PLANS

Supervisors, when developing individual Performance Plans for subordinate employees, will include elements of the annual goals and objectives which that employee is expected to assist in accomplishing.

	Subject: Code of Conduct	Issue Date: 11/30/2015
	Chapter: 3	Revision Date: 06/01/2020
	Policy: 3.1 TBP: 2.19	Total Pages: 25 Chief Bunch's signature:

BASTROP ISD POLICE DEPARTMENT CODE OF CONDUCT

I. POLICY

The Code of Conduct of the Bastrop ISD Police Department is promulgated pursuant to the policies of the Bastrop ISD School Board and by authority of the laws and statutes of the State of Texas. The Bastrop ISD Police Department expects its personnel to maintain high standards of appearance and conduct. The public similarly expects such high standards. Police officers wield considerable power over the citizenry, power that is carefully circumscribed by state and federal law and, ultimately, by the Constitution and the Bill of Rights. Our power to arrest, seize property, and interfere at times with the lives of citizens constitutes a public trust. Police officers can help to ensure that this trust is regarded as vital by performing their duties in an exemplary manner. Performance however, is not enough; we must always conduct ourselves in an exemplary fashion.

II. PURPOSE

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

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

III. ENFORCEMENT OF CODE OF CONDUCT AND GENERAL ORDERS

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

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

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

D. Pursuant to the authority granted by the Bastrop Independent School District, the Chief of Police shall have the right to suspend or discharge any employee who may be under the Chief's jurisdiction and control for incompetence, neglect of duty, immorality, drunkenness, the improper use of any substance that modifies behavior, violation of this Code of Conduct or these General Orders or failure to obey orders given by proper authority or the orders, rules and regulations promulgated by the Chief of Police. This authority to initiate a suspension or discharge is not final authority and is subject to approval by the Superintendent of the Bastrop Independent School District.

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

F. Failure to comply with the Code of Conduct, the General Orders and any other orders, policies and directives issued by proper authority will subject

the employee to disciplinary actions as prescribed in this Code of Conduct and in these General Orders.

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

H. It shall be the duty of all supervisors and officers to take corrective action and/or submit a written report to their chain of command whenever they learn through personal observation or report of any violation of the Code of Conduct, the School District Personnel Rules, Departmental rules and regulations, and/or the laws of the State of Texas or the United States by any member of the Department.

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

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

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

J. Sworn members of the Bastrop ISD Police Department holding the position of probationary police officer may be terminated from employment by the Chief of Police when they fail to meet the minimum standards of employee performance or when they violate the Code of Conduct, BISD Personnel Rules, and/or the laws of the State of Texas or the United States. The probationary period is (1) one year.

K. No promotion of any member of the Department shall be deemed complete until a period of one (1) year shall have elapsed following said promotion.

At any time during this one-year probationary period, the Chief of Police may rescind the promotion.

L. Should any officer be discharged, suspended, or reprimanded because the officer has violated any rule of the Code of Conduct, the School District Personnel Rules, Departmental regulations, and/or the laws of the State of Texas or the United States, the officer shall receive a letter of termination, suspension, or reprimand which shall set forth the rule violated and the details of said violation. Should the officer desire to appeal, the following procedures apply:

1. Upon receipt of written notification from the Chief of Police of an indefinite suspension, termination, and/or demotion, temporary suspension, letter of reprimand, the officer shall have the right to appeal in writing to the Superintendent within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the grievance, as presented by the School District Personnel Rules.

IV. GENERAL RESPONSIBILITIES

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

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

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

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

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

F. Uniformed officers shall wear and visibly display their badge and identification card with them at all times.

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

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

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

a. At any time when in a department vehicle;

b. At any time when in uniform; or

c. When performing police related off duty employment.

I. No employees shall wear the uniform, be armed or carry their badges or identification cards while under suspension.

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

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

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

V. PROFESSIONAL CONDUCT AND PERSONAL BEARING

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

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

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

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

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

6. Failure to provide identification when requested.

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

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

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

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

11. Within the jurisdiction of BISD, officers shall at all times take the appropriate action to:

    a. Protect life and property;

    b. Preserve the peace;

    c. Prevent crime;

    d. Detect and arrest violators of the law; and

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

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

    a. The above enforcement action will not include:

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

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

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

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

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

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

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

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

    1. is defamatory:

    2. is obscene:

    3. is unlawful:

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

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

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

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

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

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

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

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

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

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

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

Q. No employees will make any comment or expression, either written or oral, which would deride, demean, condemn or ridicule any person based upon their race, ethnicity, sex, religion or sexual orientation, on or off duty, if such comment or expression will tend to generate controversy and

disruption within or outside of the Department, impede upon the Department's general operation and performance and affect working relationships necessary to the Department's proper functioning.

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

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

T. No employees shall receive any money or gifts from any type of solicitation except when retiring from the Department or for special circumstances approved by the Chief of Police or the Chief's designee.

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

V. No employees shall conduct themselves in a manner, which would discredit the police service.

W. No employees shall engage in any form of gambling in any police or BISD facility.

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

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

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

1. Salary authorized by the BISD School Board:

2. Overtime authorized by the BISD School Board or appropriate supervisors only when supported by appropriate documentation:

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

4. Other special compensation and/or fringe benefits only if approved by the BISD School Board.

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

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

BB. Officers shall respond without delay to all calls for police assistance from, schools, staff, students, citizens or other members within BISD jurisdiction.

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

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

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

DD. The ranking on-duty officer at the scene of any police incident shall be in charge and responsible for the proper conclusion of that incident. In the absence of a supervisor, the senior officer present shall be in charge and responsible for the handling of the incident. The supervisor or senior officer shall remain at the scene until such time as the incident is under control, is

being properly handled in accordance with existing policies, and sufficient instructions have been issued to result in the proper conclusion of that incident.

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

FF. Leave

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

2. Unless otherwise directed, employees shall report to duty at the time and place specified in proper dress and equipment. They shall give careful attention to orders and instructions left and given by officer being relieved.

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

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

    a. Employees calling in sick to work must speak with a supervisor in their chain of command. Phone or text messages do not constitute a proper means of informing the supervisor of their inability to work.

5. Leave requests for pre-approved time off (Holiday or Vacation leave) shall be turned in to their supervisor a minimum of two weeks prior to the requested leave.

    a. Supervisors are to either approve or deny the leave request as soon as possible and advise employees of the status of their request by providing them with a copy of the request with the response.

b. If a leave request is not turned in two weeks prior to the requested leave, the supervisor may deny the request and request the officer to work their pre-scheduled shift.

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

HH. Employees shall report any change in address or telephone number within twenty-four (24) hours of such change to their supervisor and record change in dispatch records.

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

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

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

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

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

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

1. Sleeping, loafing or idling;

2. Recreational reading, except as follows;

a. During meals while in plain clothes; or

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

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

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

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

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

7. Any sexual conduct.

NN. Employees shall promptly submit reports that are required by the performance of their duties. Any required report shall be completed before the end of the duty or as soon as practical.

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

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

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

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

SS. Employees shall not bring or keep any intoxicating liquor on District or Departmental premises, except for the following purpose:

1. Liquor brought on to BISD premises in the furtherance of a police task shall be properly identified and stored according to policy. (TBP:2.19)

TT. Employees on duty or in uniform shall not enter taverns, theaters, or other public places except to perform a police service. Police presence is considered a police service in many circumstances. Very brief personal errands that are not excessive and do not interfere with the provision of police service may be allowed. (TBP: 2.19)

1. Employees shall not smoke or chew tobacco while making personal contacts with citizens in the performance of duties. Employees will not use tobacco products in BISD vehicles or BISD buildings and property.

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

VV. Employees are prohibited from using BISD equipment, whether the equipment is owned or leased, for any purpose other than Departmental or BISD business. This prohibition applies to both on and off duty conduct. Exceptions to this policy will require the approval of the Chief of Police. This rule does not preclude the limited use of equipment or supplies deemed in the best interest of the department as determined by the Chief of Police.

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

VI. Protection of Prisoners: Their rights and property

A. Employees shall not arrest any person or search any premises or person except with a warrant of arrest, a search warrant, or where such arrest or search is authorized without a warrant under the laws of the State of Texas, the United States or the local Ordinances within BISD jurisdiction.

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

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

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

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

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

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

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

VII. PUBLIC ACTIVITIES

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

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

2. Employees engage in a political activity if they:

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

b. Distribute a card or other political literature relating to a campaign of a candidate:

c. Wear a campaign button:

d. Circulate or sign a petition for a candidate;

e. Solicit votes for a candidate:

f. Solicit campaign contributions for a candidate; or

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

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

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

b. Employees may not support, or solicit support for, any candidate in such a manner as to use their positions with the Department in support of such efforts.

B. Employees of the Department may not become a candidate for elected office except as allowed by applicable General Orders and as prescribed by BISD personnel policies and procedures.

C. No employees shall seek the influence or intervention of any person outside the Department for the purposes of personal preferment, advantage, transfer or advancement. Should any employee learn of any such intervention on the employee's behalf, the employee shall immediately notify the Chief of Police in writing, providing the name, position (if applicable) and any other information available of the person intervening or planning to intervene on the employee's behalf.

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

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

F. Except for official police duties, officers of this Department shall not associate with persons of immoral character, convicted felons, gamblers, or other persons who habitually commit violations of the law. This does not exclude officers of this Department from associating with immediate members of their family if the family members fall within the aforementioned category.

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

VIII. JUDICIAL PROCEEDINGS

A. The Department has jurisdiction in criminal cases and limited civil cases only. No employees shall render aid or assistance in other civil cases except to prevent an immediate breach of the peace or to quell a disturbance

actually existing. This rule is not intended to prevent employees from informing citizens as to steps necessary to protect their rights in civil matters.

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

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

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

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

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

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

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

I. Any employees who are subpoenaed or volunteers to testify for the defense in any criminal case or in any capacity in any civil trial or hearing against BISD, the Department, or any BISD employee or official, shall notify the

Chief of Police in writing upon receipt of the subpoena or of their intention to testify prior to their appearance as a witness.

J. No employees shall accept a fee as a witness in any criminal or civil case if the matter relates to the exercise of their official duties.

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

1. Interfering with the service of lawful process:

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

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

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

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

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

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

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

N. No employees shall release any police report, police record, arrest report, prosecution report, criminal history file, mug shot photograph or other record or report to any person or agency which does not have a criminal justice function unless ordered by a lawful subpoena or first approved by the Chief of Police or the Chief's designee. Employees are authorized to access certain law enforcement documents for the purpose of providing

police service and disseminating documents and information to authorized persons. However, employees are not authorized to access documents for other purposes.

IX. CONFLICT OF INTEREST

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

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

1. Using public office for private gain.

2. Giving preferential treatment to any person; or

3. Losing independence or impartiality.

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

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

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

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

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

    a. Changes in assigned duties

    b. Changes in assignment;

    c. Disqualification from a particular assignment; or

    d. Divestment by the employee of the conflicting interest.

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

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

H. Employees shall not accept a reward or any gift, favor, privilege or employment from any public utility corporation or licensee, the granting of whose license is subject to regulation or approval by the Chief of Police, except as may be authorized by BISD policy.

I. No employees shall receive any gift or gratuity from members lesser in rank without the express written permission of the Chief of Police.

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

K. Any reward paid or sent to any employee as a result of the employee's official actions shall be promptly submitted, by that employee, to the Office of the Chief of Police, who shall submit it to the Chief Financial Officer for deposit in any fund from which the Departmental employees derive benefits.

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

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

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

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

P. Debts: incurrence and payment.

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

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

X. ETHICAL STANDARDS

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

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

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

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

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

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

- To qualify as a voter and to vote my convictions as a citizen on all public questions and political campaigns, but to take no other part in any public politics or political campaigns except as authorized by law and policy.

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

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

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

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

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

IACP - CANONS OF POLICE ETHICS

1. **Primary Responsibility of Job.** The primary responsibility of the police service and of the individual officers is the protection of the people of the United States through the upholding of their laws. Chief among these is the **Constitution of the United States** and its amendments. Law enforcement officers always represent the whole of the community and its legally expressed will and are never the arm of any political party or clique.

2. **Limitation of Authority.** The first duty of law enforcement officers, as upholders of the law, is to know its bounds upon the officers in enforcing it. Because the officers represent the legal will of the community, be it local, state or federal, the officers must be aware of the limitations and proscriptions which the people, through the law, have placed upon them. The officers must recognize the genius of

the American system of government, which gives to no person, group of people or institution, absolute power and the officers must insure that they, as a prime defenders of that system, do not pervert its character.

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

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

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

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

7. **Conduct Toward the Public.** Law enforcement officers, mindful of their responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police

service. Law enforcement officers shall conduct their official lives in a manner such as will inspire confidence and trust. Thus, they will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in neither awe of the officers nor a right to command the officers. The officers will give service where they can and require compliance with the law. The officers will do neither from personal preference nor prejudice, but rather as duly appointed officers of the law discharging their sworn obligation.

8. **Conduct in Arresting and Dealing With Law Violators.** Law enforcement officers shall use their powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. Their office **gives the officers no right** to prosecute the violator or to mete out punishment for the offense. The officers shall at all times have clear appreciation of their responsibilities and limitations regarding detention of the violator; the officers shall conduct themselves in such a manner as will minimize the possibility of having to use force. To this end, the officers shall cultivate a dedication to the service of the people and the equitable upholding of their laws whether in handling of law violators or in dealing with the law abiding.

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

10. **Presentation of Evidence.** Law enforcement officers shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. The officers shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, the officers will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word. Law enforcement officers shall take special pains to increase their perception and skill of observation, mindful that in many situations, the officer is the sole impartial testimony to the facts of a case.

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

Officers will display the degree of integrity required by the **LAW ENFORCEMENT CODE OF ETHICS**

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	Policy: 3.2 Reference: TBP: 1.08, 2.02, 2.12, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, 2.22	Total Pages: 18 Chief Bunch's signature:

Rules of Conduct

I. POLICY

The Bastrop ISD 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

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other 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 to provide 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 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 egregious 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.

E. Performance Prohibitions

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

    a. Incompetent or inefficient performance or dereliction of duty;

    b. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature, which discredits or injures the public. (Insubordination may also consist of direct, tacit, or constructive refusal to do assigned work.)

    c. Mental or physical unfitness for the position, which the employee holds.

    d. Conviction of a felony or misdemeanor involving conduct amounting to moral turpitude, or a pattern of misconduct as displayed by series of misdemeanor convictions.

    e. 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.

    f. Failure of supervisory employees to take corrective action regarding employees under their 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.

2. 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 of which the department is responsible to enforce.

3. No member of the department shall be a member of any organization which advocates the violent overthrow of the government of the United States, the State of Texas, or any unit of local government, or participate in any organization which has a purpose, aim, objective, or any practices which are contrary to the obligations of a law enforcement officer under these rules and regulations.

F. 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.

1. 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 BISD.

2. Adherence to Departmental Rules. Employees shall abide by the rules of Bastrop ISD Police Department and BISD Personnel Policies and Procedure Manuals and other properly issued internal directives of the Police Department.

3. 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.

4. 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 their orders shall likewise be deemed insubordination. (TBP: 1.08)

5. Issuance of Unlawful Orders. No commanding or supervisory employees shall knowingly or willfully issue an order that violates

a federal or state law, a BISD policy, or a departmental rule or policy.

6. Obedience to Unjust or Improper Orders. If employees receives an order believed to be unjust or contrary to a departmental General Order or rule, they must first obey the order to the best of their ability and then may appeal the order to the Chief of Police via the proper chain-of-command.

7. Obedience to Unlawful Orders. No employees are required to obey an order that is contrary to the laws of the United States or the State of Texas or the ordinances of BISD. If employees receive an unlawful order, they shall report in writing the full facts of the incident and their actions to the Chief of Police via the chain-of-command.

8. Conflicts of Orders. If employees receive an order that conflicts with one previously given them 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)

G. Attention to Duty

1. 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.

2. Duty of Supervisors. Supervisors will enforce the rules, regulations, and policies of the Bastrop ISD Police Department. They will not permit, or otherwise 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.

3. 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.

4. 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 to the inquiry or request for assistance themselves.

5. 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 in to contact with in an official capacity. (TBP: 2.17)

6. 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.

7. 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.

    a. 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.

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

8. 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.

9. 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)

10. 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 two (2) hours before reporting time.

11. 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.

12. Prohibition of Personal Business while on Duty. While on duty, officers shall not engage in any activity or personal business, which would cause them to neglect their duty.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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 streets and highways and the names and locations of hospitals and major public buildings.

19. 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.

20. Sleeping On-Duty. Employees must be alert throughout their tours of duty. Sleeping while on-duty is forbidden.

21. 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.

22. Reading on-duty. Employees shall not read newspapers, books or magazines while on-duty and in the public view unless such reading has been assigned by a supervisory officer.

23. 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.

24. 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.

25. 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 BISD equipment whether on or off-duty.

26. 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.

27. 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.

28. Carrying of Firearms. Except for senior staff or as approved by the Chief of Police or established procedures, all officers are required to carry a sidearm while on-duty. While off-duty, officers may use their own discretion as to whether to carry a sidearm.

29. 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.

H. Cooperation with Fellow Employees and Agencies

1. 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.

2. 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.

I. Restrictions on Behavior

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

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

3. Soliciting and Accepting Gifts and Gratuities. Unless approved by the Chief of Police, employees of the Bastrop ISD 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 for personal gain. (TBP: 2.21)

4. 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)

5. Reporting Bribe Offers. If an officer receives a bribe offer, the officer shall make a written report to the commanding officer. (TBP: 2.21)

6. 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)

7. 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)

8. 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.

9. Giving Testimonials and Seeking Publicity. Employees representing themselves as members of the Bastrop ISD 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.

10. 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.

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

12. 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)

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

14. Liquor on Official Premises. Employees shall not bring containers of intoxicating beverages onto District property, into a BISD building or vehicle except as evidence. (TBP: 2.19)

15. 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 or frequent such places. Officers on-duty or in uniform also shall not purchase intoxicating beverages. (TBP: 2.19)

16. 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)

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

18. 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.

19. 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.

20. Political Activity. While in uniform or on-duty, officers 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. 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)

21. 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.

22. Seeking Personal Preferment. Employees shall not solicit petitions, 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.

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

24. Disruptive Activities. Employees shall not perform any action that tend 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.

25. 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 or obscene language, or making unnecessary sounds are not permitted.

26. Use of Racial 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.

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

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

29. 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)

30. 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, or insulting language.

J. Identification and Recognition

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

K. Maintenance of Property

1. Use of BISD Property or Service. Officers shall not use or provide any BISD equipment or service other than for official BISD business.

2. Responsibility for BISD 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.

3. 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 officers investigate their own accidents. The Department of Public Safety or Bastrop County Sheriff's Department will be requested to investigate police involved accidents.

4. 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.

5. 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.

6. Care of Quarters. Employees shall keep their offices, lockers and desks neat, clean and orderly.

7. 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.

8. 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.

L. Relationship with Courts and Attorneys

1. Attendance in Court. Employees shall arrive on time for all required court appearances and be prepared to testify. Each member shall be familiar with the laws of evidence and shall testify truthfully on any matter.

2. 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.

3. Testifying for a Defendant. Any employee subpoenaed or requested to testify for a criminal defendant or against BISD or against the interests of the department in any hearing or trial shall immediately notify the Chief of Police through the chain of command.

4. 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.

5. 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.

6. 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.

7. Notice of Arrest or Citation. Employees who have become the subject of a citation or arrest action in any other jurisdiction shall immediately notify the Chief of Police.

8. Arrest of Officer from another Agency. Officers who arrests a sworn officer of another law enforcement agency shall immediately notify their 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.

9. Arrest of Bastrop ISD Police Officer. If officers have probable cause to arrest a sworn officer of our department, they shall first contact their immediate supervisor to review and confirm probable cause. In most cases, the officers may obtain a warrant against the suspect officer. Some occasions may demand an immediate custodial arrest.

M. Expectation of Privacy

1. 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 the executive's designee.

2. No members of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at their places of residence or in other locations outside the confines of this agency without express permission.

POLICE BASTROP ISD UNITY HONOR INTEGRITY	Subject: Sexual Harassment	Issue Date: 11/30/2015
	Chapter: 3	Revision Date: 06/01/2020
	Policy: 3.3 Reference: TBP: 2.11	Total Pages: 6 Chief Bunch's signature:

Sexual Harassment

I. POLICY

The department's policy and the Bastrop ISD Policy on Sexual Harassment 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. No employee shall be subjected to unsolicited or un-welcomed 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 at other locations. Sexual or other unlawful harassment, regardless of the type, is misconduct and the department shall apply appropriate disciplinary sanctions.

II. PURPOSE

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, defined as unwelcome sexual advances, requests for favors, and other verbal or physical conduct that enters into employment decisions, or conduct that unreasonably interferes with an employee's work performance or which creates an intimidating, hostile, or offensive working environment. Two kinds of sexual harassment apply; quid pro quo harassment and hostile work environment harassment, defined below. The two forms of harassment may overlap.

B. Quid pro quo harassment

This form of harassment occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit. (Quid pro quo means "something for something.") 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 conditions. 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 a request for sexual favors, accompanied by implied or overt threats concerning a person's employment status, or promise of preferential treatment in terms of benefits or status; granting job favors to those who participate in consensual sexual activity while 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 either harassing the employee or requesting sexual favors.

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.

A hostile environment exists when the employer tolerates unwelcome, pervasive conduct including sexual comments of a provocative or suggestive nature; jokes or innuendos intended for and directed to another employee; leaving sexually explicit books, magazines, photographs where employees will find them; unwelcome demeaning comments (such as talking about physical attributes), ridicule, offensive language, propositions or other similar actions; unwanted, unwarranted, unsolicited off-duty telephone calls and contact; signed or anonymous notes or drawings placed on or in desks, bulletin boards, or in lockers; deliberately singling out women in front of men co-workers (or vice versa) and subjecting 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 and determine a proper course of action. Failure to do so may result in discipline.

C. Supervisors shall ensure that pornographic or suggestive photographs, illustrations, or cartoons shall not be 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.

D. Supervisors shall order employees on department premises who are making sexually hostile comments, or degrading 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. Kissing, back rubbing, embracing, and 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. Employees who believe they have 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 complainants are unable to confront the offender, the complainants shall contact their 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, Superintendent, or Human Resources Director if the offender is a higher ranking

member of the department. If a supervisor learns of an incident of harassment, the supervisor 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 3.4.

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 discrimination;

    b. reporting observed acts of harassment and discrimination to a supervisor, and

    c. encouraging any employees who confide that they are being harassed or discriminated against to report these acts to a supervisor.

5. Failure of any employee to carry out their 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; stopping any observed acts that may be considered harassment and discrimination, and

c. taking appropriate steps to intervene, whether or not the involved employees are within the supervisor's line of supervision; and

d. utilizing all reasonable means to prevent a prohibited act from occurring when the supervisor knows or should know that an employee will or may perform such an activity.

e. taking immediate action to prevent retaliation towards the complaining party and to eliminate 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, or privileges or responsibilities of an individual's employment based on the basis of 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. 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.

4. Any proscribed conduct covered by this policy that comes to the attention of a supervisor shall result in an investigation.

5. 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 concerned employees from any further work contact with the alleged offender.

2. The Chief of Police shall conduct an investigation pursuant to the provisions of Policy 4.7.

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 Superintendent without delay.

VI. TRAINING

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

POLICE BASTROP ISD UNITY HONOR INTEGRITY	Subject: Use of Social Media	Issue Date: 11/30/2015
	Chapter: 3	Revision Date: 04/01/2020
	Policy: 3.4	Total Pages: 8 Chief Bunch's signature:

Use of Social Media

I. POLICY

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and 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

This policy establishes guidance on the management, administration and oversight of social media. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

III. DEFINITIONS

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."

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

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that users provide about themselves on a social networking site.

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, Instagram), microblogging sites (Twitter, Nixle), photo- and videosharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

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.

Wiki: Web page(s) that can be edited collaboratively.

IV. DEPARTMENT SPONSORED SOCIAL MEDIA

1. Requirements for Department Sponsored Public Social Media Sites

    a. The BISD Communications Department 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.

    b. 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.

2. Operation of Department Sponsored Public Social Media Sites

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

        i. 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.

ii. Identify themselves as a member of the department.

iii. 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.

iv. Not conduct political activities or private business.

v. 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.

vi. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

3. Uses of Departmental Sponsored Social Media Sites

   a. Social media can be used to make time-sensitive notifications related to

      i. road closures,
      ii. special events,
      iii. weather emergencies, and
      iv. missing or endangered persons.

   b. Social media is a valuable investigative tool when seeking evidence or information about

      i. missing persons;
      ii. wanted persons;
      iii. gang participation; and
      iv. crimes perpetrated online and photos or videos of a crime posted by a participant or observer.

   c. Social media can be used for community outreach and engagement by

      i. providing crime prevention tips;
      ii. offering online-reporting opportunities;
      iii. sharing crime maps and data; and
      iv. soliciting tips about unsolved crimes (i.e., Crime Stoppers, text-a-tip).

d. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.

e. Background Investigations

i. This department has an obligation to include Internet-based content when conducting background investigations of job candidates.
ii. Search methods shall not involve techniques that are a violation of existing law.
iii. Vetting techniques shall be applied uniformly to all candidates.
iv. Every effort must be made to validate Internet-based information considered during the hiring process.

4. Use of Covert Social Media Sites for Investigative Operations

a. Covert or undercover Social Media sites are exempt from the requirements of sections 1, 2, and 3 above.

b. 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.

c. 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 BISD attorney to determine the admissibility and requirements of the law regarding preservation of information for both prosecution and open government and records retention requirements.

V. PERSONAL USE OF SOCIAL MEDIA

1. Precautions and Prohibitions

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

i. Members of the Department may not access social networking or social media sites through the use of Department provided information systems--unless authorized to do so on behalf of the department or during the course of an investigation.

ii. While on duty, employees may only use personal communications devices to access social networking sites strictly during **authorized** meal breaks, provided such usage does not in any way interfere with the performance of job duties. Employees are prohibited from authoring posts on a social networking site at any time while on-duty even during meal breaks.

iii. Due to concerns for officer safety and to preserve tactical advantage, the posting of information related to any police response by any officer or assisting agency is absolutely prohibited without the approval of the Chief of Police.

iv. All matters of, by, within, and about Department details regarding calls for service, and the customers we interact with, are generally considered confidential information which may not be released, blogged about, posted, or otherwise shared outside the department without prior authorization, without it having been obtained through an official open records request, or without the information already being in the public realm [already otherwise released officially].

v. Display of the department logos, uniforms, uniform patch, or departmental badge on their own or other's social media sites is prohibited without written approval of the Chief of Police.

vi. 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.

vii. As public employees, department personnel are cautioned that speech on or off-duty, made pursuant to their official duties—that is, that 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.

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

ix. 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.

x. 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 their permission. As such, department personnel are cautioned not to do the following:

    1. 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, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.

    2. 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 the employee's residence, vehicle or family members.

xi. 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:

    1. 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.

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

    3. 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.

4. 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.

5. Department personnel should be aware that they may be subject to civil litigation for:

    a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);

    b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;

    c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or

    d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

xii. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

xiii. 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.

xiv. Department personnel are reminded that the department policies and Code of Conduct apply to on-line activities. There should be no expectation of privacy for items or activities conducted on-line.

2. Monitoring of Social Media

   a. 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.

   b. Any employees 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 their supervisor immediately for follow-up action.

   c. 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.

	Subject: Administration	Issue Date: 11/30/2015
	Chapter: 4	Revision Date: 06/01/2020
	Policy: 4.1	Total Pages: 6 Chief Bunch's signature:

Administration

I. POLICY

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

II. PURPOSE

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

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

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

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

III. DEFINITIONS: The terms used in this General Orders Manual shall be defined as follows unless otherwise indicated.

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

B. Chain of Command: The unbroken line of authority extending from the Bastrop ISD School Board, to the Superintendent, to the Chief of Police, to the Sergeant and through a single subordinate at each level of command, down to the level of execution, and return.

1. In the absence of the Chief of Police or command staff for whatever reason, an officer appointed by the Chief of Police or Command Staff will assume command of all police operations.

C. District: All actual and concurrent jurisdiction within the Bastrop Independent School District.

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

E. Competent Authority: That authority possessed by superiors, supervisors, commanding officers, Federal, State, County, Municipal law enforcement, or the courts.

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

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

G. Department: When capitalized, refers to the Bastrop ISD Police Department.

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

I. Employee: Any person employed with the Bastrop ISD Police Department.

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

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

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

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

M. Officer: A sworn member of the Department.

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

O. Policy: A statement of the Department's philosophy on a given issue. Policy consists of principles and values that guide the performance of Department employees. Further, policy is based upon ethics, experience, the law, and the interests and desires of the community. Use of the term "Policy" in these general orders does not in any way infer or imply that the School Board has in any manner, expressed or implied, delegated its final policymaking authority to any person, official or officer. Final policymaking authority is expressly reserved to the School Board or other specified officials as established by Texas law in effect at the time of the enactment of these General Orders, except to the extent expressly delegated by School Board Policy.

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

2. Only the School Board determines District policy except to the extent that final policymaking authority has been delegated to the Superintendent.

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

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

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

1. Similar to rules, regulations permit little if any deviation. Violations of regulations normally result in administrative discipline.
2. Chief of Police proposes regulations for approval by School Board.

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

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

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

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

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

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

IV. GENERAL ORDER SYSTEM

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

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

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

2. Applying only to a specific unit or activity.

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

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

1. Appointment of new personnel;

2. Assignment or transfer of employees from one division, section, or unit to another;
3. Changes in compensation level;

4. Promotion or demotion of employees; and

5. Suspension, termination, or restoration to duty.

E. Memoranda may be used to:

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

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

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

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

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

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

V. ISSUING AUTHORITY

A. General Orders are issued by the Chief of Police.

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

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

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

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

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

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

VI. DISTRIBUTION

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

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

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

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

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

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

VII. RECOMMENDATIONS

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

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

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

	Subject: Jurisdiction, Organization, and Authority	Issue Date: 11/30/2015
	Chapter: 4	Revision Date: 06/01/2020
	Policy: 4.2 **Reference:** TBP 1.01, 1.05, 1.06, 1.07, 2.03, 3.07, 6.05, and 8.10.	Total Pages: 8 Chief Bunch's signature:

Jurisdiction, Organization, and Authority

I. POLICY

The department is established by state law and local ordinance, and consists of a Chief of Police and other full and part-time officers and non-sworn employees as determined by the Superintendent and School Board. The chief executive of the police department is the Chief of Police, appointed by and subordinate to the Superintendent. 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 Bastrop ISD Police Department shall include all territory within District boundaries, as well as all real and personal property out-side the boundaries of the District that is owned, leased, or rented by the District, or is otherwise under the District's control, except in cases of pursuit of offenders who have committed a violation within Bastrop ISD jurisdiction and then flees outside the jurisdiction, or when another department requests assistance. 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 order 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 Bastrop ISD Police Department is limited to all territory within District boundaries, with certain exceptions. (TBP: 1.05, 1.06)

A. Police Officers appointed by BISD 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 to preserve order, arrest offenders, and protect the students, staff, and visitors to our schools.

B. Officers have arrest authority anywhere within the State of Texas, however the exercise of that authority will be limited when outside BISD jurisdiction 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 primary jurisdiction, officers seldom have appropriate equipment, communications, or 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 and District policies anywhere a student is found and in violation of state law, on District property, in school zones, at bus stops, at District functions, and on property owned by BISD outside the boundaries of the District.

D. Officers have authority to pursue offenders outside BISD jurisdiction who have committed violations inside BISD jurisdiction, pursuant to the department's pursuit policy. Officers may also utilize their authority to conduct investigations, including interviewing witnesses, interrogate suspects, execute search and arrest warrants and make lawful arrests without warrants anywhere in the State of Texas when investigating crimes occurring inside BISD jurisdiction.

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 are 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.

G. An official map of the District jurisdictional boundaries should be maintained that is accessible to BISD officers.

IV. ORGANIZATIONAL STRUCTURE

A. Organizational structure

   1. The Bastrop ISD School Board authorizes the creation of a police department to be headed by a Chief of Police. The Chief of Police is responsible for the direction of all activities of the department. This direction is accomplished through written and oral orders as well as by

personal leadership. Written orders take the form of general orders, standard operating procedures, and other directives as needed.

2. The department consists of a Police Chief, a Sergeant, and as many police officers as the School Board determines are required to protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.

B. Chain of Command and Succession

1. The Police Chief has full control over departmental activities. In the absence of the Police Chief, the Sergeant shall take command and notify the Chief of all major decisions that he or she may make. In the absence of the chief and sergeant the most senior officer will take command and follow the same instructions as above.

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.

C. Span of control

1. Plans to use departmental personnel for any event will clearly define the chain of command and outline the span of control assigned to participating department personnel.

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

3. Supervisors are 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.

7. Supervisors shall regularly review and instruct subordinates in pertinent laws, ordinances and necessary skills.

E. 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 Law Enforcement Management Institute of Texas as required by the Texas Education Code within 12 months of appointment.

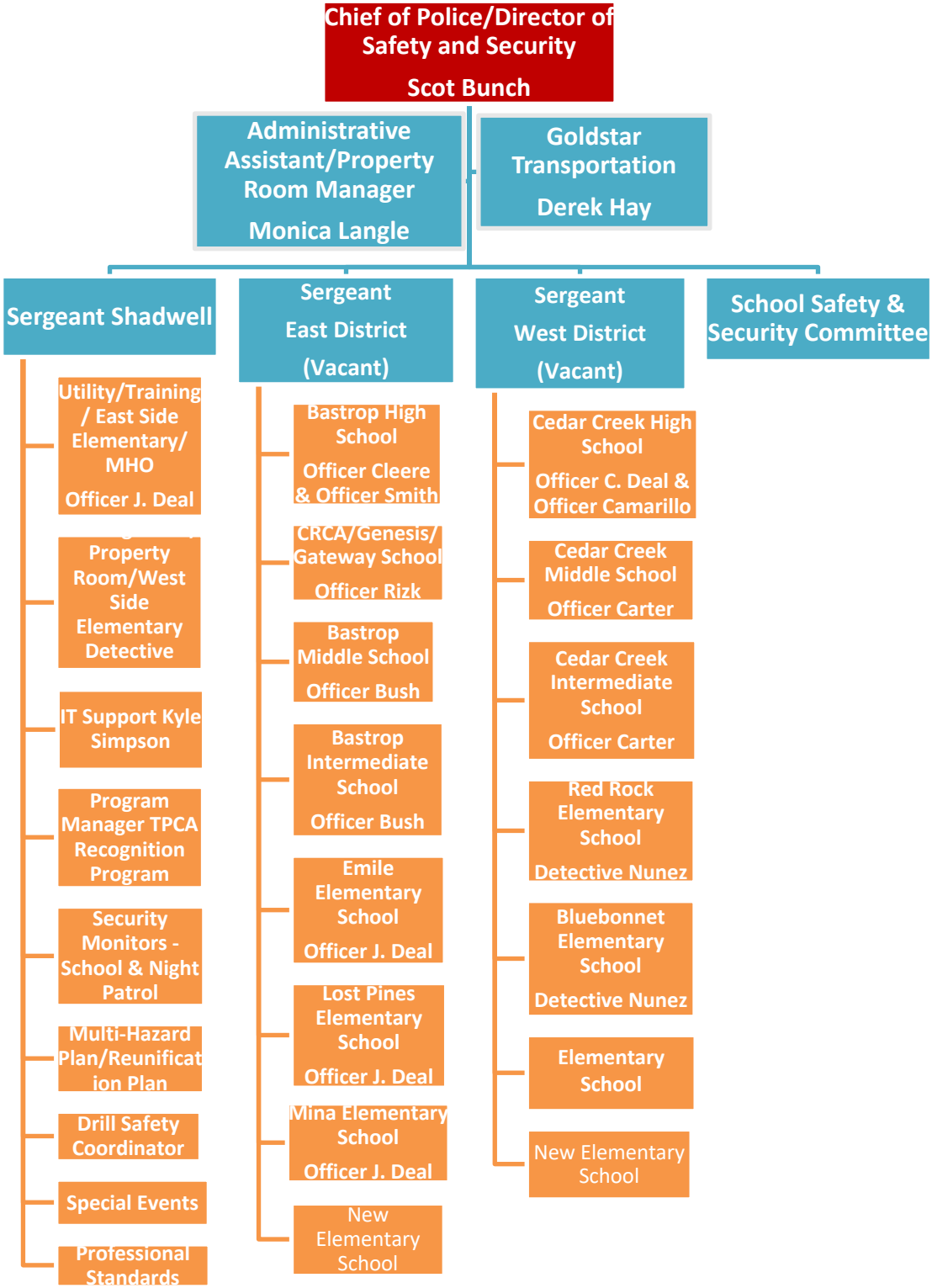
3. The Chief of Police is also the Departmental Homeland Security coordinator and will maintain relationships with the State Homeland Security office and other state and federal Homeland Security resources. (TBP: 8.10)

F. Organizational Chart (TBP: 1.01)

1. The attached chart denotes chain of command and intra-department organization.

2. The Organizational chart is reviewed annually and updated as necessary to illustrate the current functioning of the department.

BASTROP INDEPENDENT SCHOOL DISTRICT
POLICE DEPARTMENT
ORGANIZATIONAL CHART 8/3/2020



G. Oath of Office Required (TBP: 2.03)

1. All sworn officers will swear or affirm any oath required by state law or School Board Policy 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 a 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.

H. Authority to Carry Weapons and Use of 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 and have consumed or intend to consume any alcoholic beverages.

I. Off-Duty Authority

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

2. 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.

3. 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.

4. Prohibitions of Off-Duty Arrests

Despite the fact that 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 by a physical ailment or injury, or;

d. A uniformed police officer is readily available to deal with the incident

5. 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.

J. Other Officers

1. Other 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. Other Officers are required to have the same level of both initial and in-service training as regular officers. (TBP: 3.07)

3. Other Officers are armed in the same manner as regular officers when working on duty but do not carry weapons in an off-duty capacity.

	Subject: Fiscal Management	Issue Date: 11/30/2015
	Chapter: 4	Revision Date: 04/01/2020
	Policy: 4.3 **Reference:** TBP 1.02, 1.03, and 1.10	Total Pages: 8 Chief Bunch's signature:

Fiscal Management

I. POLICY

It is the policy of the Bastrop ISD Police Department to maintain the highest level of fiscal responsibility. The Chief of Police is responsible for the development and submission of the departmental budget as well as the financial management of the department. It will be the policy of the department to maintain accurate and detailed records of all monetary transactions in order to remain above reproach.

II. PURPOSE

The purpose of this order is to establish procedures for employees making routine and emergency expenditures for goods or services necessary for the efficient operation of the Department.

III. STATEMENT OF SPECIFIC RESPONSIBILITY

The Chief of Police, as a Department Head of the Bastrop ISD Police Department, has the authority and responsibility for the fiscal management of the Department. (TBP: 1.02)

IV. DEFINITIONS

A. Routine Expenditure: Purchases that are budgeted and or planned for and handled through the Business and Finance Department.

B. Emergency Expenditure: A use of District funds necessary to accomplish vital goals of the Department that by their nature cannot be postponed until regular business hours. These expenditures might be for goods or services. Emergency expenditures are always more than two hundred ($200) dollars and are approved by the Chief of Police.

C. Petty Cash Expenditure: A purchase of services, supplies or equipment, necessary for the operation of the Department, in the amount of fifty ($50) dollars or less. Individuals charged with the management of petty cash funds must approve any petty cash purchase prior to the purchase. Supervisors may approve petty cash expenditures prior to the purchase if the petty cash manager is unavailable.

D. Purchase Order (P.O.): An authorization from the Business and Finance Department for payment to a vendor for goods or services.

E. Purchase Order Number (P.O. #): The number assigned by the Business and Finance Office for a specific expenditure. Vendors consider a P.O. # the same as cash, and must be indicated plainly on all invoices.

F. Vendor: Any authorized retailer, wholesaler, manufacturer, or other supplier of goods or services to BISD.

G. Tax Exemption Certificate: A document provided to vendors by the Business and Finance Department that indicates that purchases made for District use are exempt from state sales tax.

H. Requisition: The form used to request goods or services.

I. Chief Finance Officer: The authority in BISD with the responsibility of exercising fiscal control over all expenditures made by BISD employees.

J. Payment Authorization Form: The document used in lieu of a purchase order for the following items: (a) freight bills, (b) travel expenses, (c) authorized organization dues, (d) equipment rentals exceeding two months, (e) advertising, (f) purchases from vendors who do not accept purchase orders and require check or cash.

V. RESPONSIBILITIES

A. The Chief of Police has the ultimate authority, responsibility, and accountability for the fiscal management of the Department. The Chief of Police prepares the departmental budget with input from supervisors and officers of the department.

B. Supervisors are responsible for providing budget requests with any necessary documentation for their areas during the budget preparation process.

C. The Chief of Police is also responsible for at least monthly review of budget to include the amount budgeted, the amount spent year to date by category, and the amount remaining. Any projected budget shortfall shall be discussed with the Superintendent as soon as it is discovered.

VI. GENERAL PROCEDURES

The Chief Financial Officer is responsible for monitoring the suitability of vendors and the Police Department will not purchase goods or services from any vendor currently under suspension by the District.

VII. COLLECTION AND DISBURSEMENT OF CASH (TBP: 1.03)

A. All cash funds or accounts where department employees are permitted to receive, maintain, or disburse cash (such as petty cash, purchase of reports, licenses, etc.) will include:

1. A balance sheet or system listing initial balance, credits, debits and balance on hand.

2. A listing of cash received and from whom it was received.

3. Records, receipts, documentation and invoices showing expenditures.

B. All cash funds will be kept under lock and key and only authorized personnel will have access to the funds and log or balance sheet. No employee shall accept or disburse cash without prior written authorization of the Chief of Police.

C. The Executive Assistant to the Chief of Police will be responsible for the management and security of each cash fund.

D. Upon receipt of any cash funds, receipts will be provided and the funds shall be given to the Executive Assistant to the Chief of Police to be kept under lock and key.

E. A bi-annual audit will be conducted on each cash account by a person other than the custodian of the account. Chief of Police will be responsible for conducting an alternating audit biannually.

F. Any cash received by department units for the use and benefit of employees, such as a fund from candy and soda machine sales, shall meet these standards and shall be reported to the Chief of Police at least annually.

G. A member of the Business and Finance Department will audit each account at least once a year.

VIII. EMERGENCY EXPENDITURES

A. Any police employee needing to make an emergency expenditure will submit a memorandum through the chain of command detailing:

    1. What the expenditure is for.
    2. Why the expenditure constitutes an emergency.
    3. The cost of the expenditure.
    4. If the expenditure is more than one hundred ($100) dollars, list two possible vendors.
    5. Emergency expenditures over $200 require approval from the Chief of Police.

B. The Chief of Police, either in person or via the telephone is responsible for:

    1. Deciding whether the expenditure is an emergency.
    2. Causing the memorandum to be marked "approved" or "disapproved" and initialed.

        a. If the Report is approved, the Chief will cause the telephone bidding of the goods or services requested to be made awarding the bid to the lowest bidder conforming to specifications and delivery requirements.
        b. If the report is disapproved, notify the requesting person to proceed with a routine requisition discussed later in this Policy.

C. It is the responsibility of the employee receiving authorization for an emergency expenditure to:

    1. Make arrangements with the approved vendor to provide the goods or services.
    2. If the vendor asks for a tax exemption certificate, advise them that you will contact the police department’s Executive Assistant to the Chief of Police the next business day and request that they forward a tax exempt certificate to their business.

D. It is the responsibility of the Chief of Police or designee to:

    1. Provide, to the Executive Assistant to the Chief of Police, an itemized list of the goods or services obtained, including the total cost.
    2. Obtain a purchase order number and cause it to be added to the report to the Business and Finance Office.
    3. Forward a copy of the report, along with all invoices or receiving slips, to the Executive Assistant to the Chief of Police.

E. It is the responsibility of the Chief of Police or designee to prepare a requisition, attaching all invoices or receiving slips, and forward it to the Chief Financial Officer and arrange for out of pocket cash reimbursements where applicable, using a payment authorization form with the attached receipts.

IX. ROUTINE EXPENDITURES

A. It is the responsibility of any police employee needing to make a routine purchase of goods or services to:

1. Obtain approval of a supervisor.
2. Provide the reason, type of service or goods to be purchased on an informal memorandum form.
3. Hand-carry the request to the Chief or designee.
4. Contingent on approval, receive a purchase order number from the Chief or designee.
5. Arrange for the delivery of goods or services by the vendor.
6. Return all invoices and/or receiving slips to the Executive Assistant to the Chief of Police on the next business day following the receipt of goods or services.

B. Prior to approving the request, it is the responsibility of the Chief or designee, to secure adequate documentation for the purchase and ensure budgeted funds are available.

C. Purchases of items costing more than $2,500 are made after a requisition for material has been approved by the Chief Financial Officer and a purchase order number has been issued in accordance with this policy.

1. The requisition form will be used prior to the purchase except in emergencies.
2. At least three bids are taken and documented.
3. When practical, the Chief Financial Officer will handle the buying of items needed by the Department.

D. Purchases costing $2,500 to $50,000 will be purchased on a competitive bid basis. Bids will be awarded to the lowest responsible bidder conforming to specifications and delivery requirements, after review by the Chief Financial Officer and the issuance of a requisition.

E. All purchases of $50,000 or more, will be on a competitive sealed bid basis, received by the District and referred to the School Board for a decision. Requisitions of or above this amount will be forwarded to the Executive Assistant to the Chief of Police at least 21 days prior to the anticipated need of the material. In cases involving automotive equipment thirty, (30) days advance notice is required.

F. It is the responsibility of the Chief who authorizes a routine purchase of equipment and later needs to cancel the order to:

1. Immediately notify the Chief Financial Officer by telephone of the desire to cancel.
2. Route a formal memorandum to the Chief Financial Officer.

G. Any employee who makes a purchase of $50 or less, requiring cash reimbursement, will take the receipt to the petty cash custodian for processing.

1. The petty cash custodian will ensure the expenditure meets the criteria for use of a payment authorization form, and: Complete the authorization form;
2. Attach the receipt(s);
3. Forward the documents to the Chief Financial Officer;
4. Pay the bill or reimburse the employee as indicated.
5. The petty cash custodian has the authority to approve or disapprove all petty cash expenditures in accordance with established practice.

H. The Chief of Police must approve all routine repair and maintenance expenditures over $200 (two hundred dollars) prior to receipt of the services.

X. PROPERTY LOSS AS A RESULT OF POLICE DUTIES

A. It is the responsibility of an employee experiencing a loss of personal property in the line of duty to submit a memorandum detailing:

1. The circumstances of the incident.
2. Whether the loss affecting the employee was a result of damage, lost or destroyed property.
3. The value of property with proper documentation including: receipts, age and condition of the item(s) at the time of the loss, etc. There must be sufficient documentation that would enable a reasonable person to establish fair market value.

B. It is the responsibility of the chain of command to make a recommendation for or against reimbursing the employee experiencing the loss and to:

1. Recommend a dollar amount for replacement based on:
    a. Fair market value of the item(s) or equipment.
    b. Cost replacement for the item(s) or equipment that provides the same purpose.
2. Expensive personal items such as jewelry, dress watches, fashion clothing and accessories will only be reimbursed at a rate based on the

above criteria but in no circumstances shall reimbursement exceed $200.00.

3. The Chief of Police will make the final determination.

C. Reimbursement will only be made for items that are normally utilized in the course of police duties, such as:

1. Wrist watches, clothing, foot wear, weapons, handcuffs, batons, and any other non-departmental supplied equipment.

2. Reimbursement will not be made for items that are not normally utilized in the course of police duties, such as ornamental jewelry, hats, and expensive watches, clothing or foot wear. Valuable items of this sort are worn at the employees own risk.

D. All employees are expected to maintain care and control of BISD equipment. Personal items lost, stolen, or damaged that are submitted for replacement will be reviewed as to the circumstances surrounding the loss, including whether or not the employee made every reasonable effort to prevent the loss.

XI. AUDITING / ACCOUNTING

A. An independent audit of Department fiscal affairs is conducted at least annually in connection with the annual District financial audit. The Chief of Police may order an internal audit any time it may be deemed necessary to assure accountability.

B. The Chief of Police will cause an inspection of the petty cash account cash transactions on a random or as required basis. The inspection will include a review of the practice and formal and informal procedures of each area of fiscal management.

C. The departments accounting system will include a monthly status report which will be accomplished by the custodian each petty cash account showing:

1. Initial appropriation for each account.
2. Balances at the commencement of the monthly period.
3. Expenditures and encumbrances made during the period.
4. Unencumbered balance at end of period.

XII. ACCOUNTABILITY OF DEPARTMENTAL CAPITAL EQUIPMENT (TBP: 1.10)

A. All agency property is inventoried when received. The Chief of Police will be responsible for issuing agency owned property to authorized users. This includes recovering said property if required when the employee leaves the department.

B. Departmental capital assets are marked with a property tag if the cost of the item is over $2,500.00, or if their use and life span is in excess of 3 years. All department firearms, less than lethal weapons, in-car computers, desktop computers, and vehicles (whether bought with District funds or through forfeiture actions) are considered capital assets.

C. The department will conduct a capital assets inventory every year and whenever there is a change in command personnel over a unit or the department. The results of the inventory will be forward to the Chief of Police for review.

	Subject: Inspections and Audits	Issue Date: 11/30/2015
	Chapter: 4	Revision Date: 06/01/2020
	Policy: 4.4 Reference: TBP: 7.25, 1.13	Total Pages: 5 Chief Bunch's signature: 

Inspections and Audits

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, and provide them with the information necessary to plan for the improvement of the department's operations and ensure full capability to perform our mission. Inspections are a vital component of departmental self-assessment and as such will be carried out with care, attention to detail and with 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 inspections 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. Staff Inspection or Audit. A staff inspection or audit is an objective review of the facilities, equipment, personnel, administrative organization and functioning, operational activities and programs of the department. Such inspections are conducted outside the framework of normal line inspections by departmental supervisors or managers who do not have direct control of the facilities, equipment, personnel, and activities being inspected. The results of staff inspections are reported in writing to the department's chief

executive officer within a reasonable amount of time, together with the comments of those units that have been inspected.

C. Readiness Inspections. A specific inspection 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 such times as are appropriate for the type of inspection being conducted.

3. Line inspections shall be conducted at least once per week 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. Physical condition, maintenance, safety, cleanliness, adequacy and security of the areas, furnishings and equipment of the portions of the physical plant used by or under the control of that unit.

h. 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.

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 shall be conducted at the earliest possible date to ensure that the 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. Staff Inspections

1. Periodically, the Chief of Police may assign a member of the department to conduct a Staff Inspection of a department function or operation. They should be conducted by personnel who have no

direct supervisory responsibility for the divisions, personnel, equipment or facilities being inspected, and are not subject to the command authority of those who have such supervisory responsibility.

2. Staff inspections are conducted to make the following types of assessments or evaluations:

    a. Effectiveness of the department's organization, including command and supervisory structure and functioning.

    b. Proper compliance with and enforcement of departmental policies.

    c. Effectiveness of departmental operations compliance with accreditation standards and other contemporary professional practices.

    d. Accuracy and timeliness of written reports and other required documentation.

    e. Proper preparation and maintenance of written and computer records.

    f. Adequacy, security and safety of departmental equipment, facilities and furnishings.

    g. Effectiveness and productivity of investigative procedures and case handling.

    h. Adequacy of recruitment mechanism.

    i. Appropriateness and effectiveness of departmental training programs.

3. The results of staff inspections will be formally recorded in a Staff Inspection Report.

C. 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 26.3.) 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 Chief of Police is responsible for ensuring continued compliance with the Texas Law Enforcement Best Practices.

B. The Chief of Police 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 Chief of Police shall provide the Superintendent with a memorandum at least quarterly advising the status of Best Practices Compliance.

	Subject: Mutual Aid	Issue Date: 11/30/2015
	Chapter: 4	Revision Date: 05/01/2020
	Policy: 4.5	Total Pages: 4 Chief Bunch's signature:

Mutual Aid

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 a civil disorder, fire, flood, or other disaster, but most often is 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

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 is limited to territory within District boundaries, 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 which require mutual aid can include one or more of the following situations:

    a. Enforcement of laws which 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, 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; officers must remember, however, that they are primarily responsible for providing law enforcement service to our 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 showing of force, backup, transporting prisoners or traffic control.

    c. **Long duration**, more than four hours, full scale assistance required. The on-duty supervisor shall immediately notify the Chief of Police 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 District 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 the 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 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 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 administered by the Texas Department of Public Safety.

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 and TDCJ. Canine teams, if requested, shall only be used 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 requested in advance by the Chief of Police to the Director. May be available on an emergency basis through DPS.

d. Polygraph: DPS

e. Riot truck and equipment: DPS

f. Bomb disposal: DPS and Amarillo Police Department

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 of 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 County Judge may 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 County Judge in the regular NIMS process.

	Subject: Departmental Records	Issue Date: 11/30/2015
	Chapter: 4	Revision Date: 06/01/2020
	Policy: 4.6 **Reference:** TBP 5.01, 5.02, 5.03, 10.02(f)	Total Pages: 8 Chief Bunch's signature:

Departmental Records

I. POLICY

The Records Division function is critical for the effective delivery of law enforcement services. An efficient means of storing, cataloging and retrieving records is essential to meet the management, operational and informational needs of the police agency.

II. PURPOSE

The purpose of this policy is to assist Records Personnel in maintaining an effective record keeping system.

III. RECORDS SECURITY (TBP: 5.01)

A. The Police Records Section is a restricted area. Personnel assigned to the Records Division are directly supervised by the Records Supervisor who reports directly to the Chief of Police. The Records Supervisor is responsible for maintenance of department records and will be provided training in Law Enforcement Records Management and the Public Information Act.

B. Police Records Section is restricted to assigned Records personnel only. Entry by unauthorized personnel is prohibited.

C. The Records Section will be secured and locked when unmanned by assigned Records personnel.

D. Personnel authorized by the Records Supervisor or the Chief of Police may have access to the Records Section after hours for need to know information only. Authorization may be granted to shift Supervisors ONLY.

E. When entry has been made by the authorized personnel, written notification to the Records Supervisor will be made within 24 hours of the entry. Written notification must state the date entry was made, time entry was made, why entry was made, and what records were accessed.

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 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 which:

    a. Requires an officer to be dispatched.

    b. Requires an assigned employee to investigate.

    c. Requires 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. As dispatch personnel become aware of a call for service occurring within the BISD service area that requires the initiation of police activity, they will assign a call number that is generated by the (RMS) Record Management System.

2. Call numbers will be assigned in numerical order. Other calls for service, such as an accident, impound, property and evidence recovery, etc., will be assigned the RMS call number.

3. When an officer determines that there is a need for an incident number to be generated they will notify dispatch and dispatch will assign a RMS number, the following information regarding that incident will be entered into the RMS 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. Officers assigned to the call.

e. Time 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 initial reports and narrative and electronically submit them to a supervisor prior to ending their shift.

2. Officers shall provide only a short summary narrative of the event on the first page of the offense or incident report (who, what when and where). Details, including any listing of evidence, identification of witnesses, description of injuries, including any exculpatory information shall be provided in an offense or incident supplement report.

3. Supervisors will review all reports for accuracy and completeness and electronically submit completed reports to the Criminal Investigations Division before the end of shift.

4. Reports returned to officers for correction will be electronically rejected by the supervisor and the supervisor shall follow up on the following shift to ensure the report has been corrected and re-submitted.

5. The Criminal Investigations Division (CID) will investigate all felony cases submitted by patrol supervisors. All cases, including misdemeanors will be submitted to CID for review. CID shall conduct an initial review all cases within 72 hours. CID shall be responsible for designating case clearance classifications and case packet preparation, prior to submission to the District Attorney's office.

D. Juvenile Records (TBP: 10.02 f)

1. A file is maintained on each juvenile (age under 16) arrested, referred or detained by an officer. Each person is assigned a single "J" number. The file includes all documents associated with the contact as indicated in this section as well as a running list of the juvenile's detentions and dispositions. State and federal laws require juvenile files to be kept separate from adult files.

2. Juvenile fingerprints and photographs, if taken, will be turned over to the Juvenile Probation Department intake officer. 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.

E. 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 Computerized Criminal History (CCH) data base lists all arrests and convictions for offenses above Class C Misdemeanor that have not been purged due to the state/federal age purge criteria.

2. Access to the TCIC/NCIC criminal history data base 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. Individuals who request a copy of their computerized criminal history must do so through the Texas Department of Public Safety in Austin. 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.

V. REPORT NUMBER AUDIT & REPORT STATUS

A. The Records Supervisor will run a computer printout and audit daily for all reports to ensure all reports have been turned in to Records. As documents are received all reports will be placed in numerical order by service number.

B. When a report has not been turned in within a three day period, a print out of the audit report is made and one copy kept for follow up. The officer's name responsible for the report will be identified and the audit report will be sent to the officer for response. Follow ups for missing reports will be made daily until all missing reports are accounted for.

C. Missing report notices will be sent to officers, the officer's supervisor and the Chief of Police when a report has not been received in 72 hours after the end of the shift on which it was taken.

VI. DISTRIBUTION OF REPORTS AND RECORDS

A. The distribution of reports to the various specialized organizational components within the agency is peculiar to the particular type of report. After reviewing the reports for completeness the patrol supervisor will forward all reports and citations to the Records Section.

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. Originals are maintained in the Records Section.

C. Citations are entered into the computer system and forwarded to the Municipal or Justice Court.

D. The original of all records are to remain within the Records Section. All corrections or amendments to an original report are made by supplement and not by changing the original report. Supplementary reports will be sent to the Records Section and CID whenever additional information is processed.

VII. RECORDS RETENTION AND DESTRUCTION (TBP: 5.02)

A. Records will be retained in the Records Section as specified in this policy and purged or destroyed only in accordance with the approved District Records Retention Policy and any Court Orders to expunge.

B. Accident Reports: A copy of each accident report will be kept for two years in numerical order filed by month in the records office. Copies will be destroyed after two years. Persons wanting accident reports older than two years can order a copy directly from the Texas Department of Public Safety.

C. Offense Reports: Because some offenses have no limitations period (can be prosecuted at any time) and because the limitations period for some offenses is based on the age of the victim at the time of the offense, offense report purging cannot simply be based on calculation of a number of years from the date of the offense. The Bastrop ISD Police Department will follow the Records Retention Schedule as defined by the Texas Administrative Code, TAC §7.125(a)(1) and TAC §7.125(a)(5).

D. All Other Information Reports: The original of each Miscellaneous Incident Report will be kept for three (3) years and will be kept in numerical order as offense reports are kept.

E. Adult Arrest Files: Adults may obtain a court order to have their arrest records expunged as specified in Chapter 55 of the Code of Criminal Procedure; otherwise, adult arrest files will be kept until a report of death of the arrestee or a period of seventy-five years.

F. 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 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 the Juvenile Court may be purged after the person reaches age 23.

5. Arrest report files on juveniles who were not referred to the Juvenile Court may be purged after the person reaches age 18.

6. Police Records will not maintain fingerprints or photographs of juveniles because the juvenile was detained by police or suspected of a criminal offense as specified in Chapter 58 of the Family Code. Fingerprints and photographs taken as part of the juvenile intake process will be turned over to the Juvenile Probation Department officials. Should fingerprints or photographs be turned over to Police Records they will be destroyed as specified in Family Code sections 58.001 and 58.002.

7. Any juvenile records maintained in a Gang or Criminal Street Gang intelligence file will be maintained, managed and removed pursuant to Texas Code of Criminal Procedure Articles 61.04 and 61.07.

G. Destruction of files and records will be done by shredding, burning or other means of destruction approved by the Police Records Supervisor and Records Coordinator for BISD when documents exceed the required retention schedule.

VIII. UNIFORM CRIME REPORT (UCR)

A. It is the responsibility of the Chief of Police and/or Records Supervisor to complete the monthly UCR and Department Crime Report in a timely manner.

B. The Records Supervisor must read and be familiar with the UCR Handbook including UCR reporting standards and must perform several audit checks for each crime reported.

IX. RELEASE OF RECORDS (TBP: 5.03)

A. Release of information reported to law enforcement agencies is governed by the Texas Public Information Act.

B. Any request for information contained in any report made or compiled by the department is to be referred to the Records Section.

C. All Arrest files which are maintained in the records files and computer will be the responsibility of the Records Supervisor. Copies of files will only be released to persons authorized below:

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.

D. Juvenile arrest information is closed to public information requests and will not be released without Court Order of signed waiver from the juvenile and a parent or guardian.

E. Original reports will only be released to members of this Department and will be documented with date, name, file name and number and the clerk releasing the files in the Records "check-out log." A copy will be made prior to release of any original report and the Records "check-out log" will be completed upon each request. Upon the return of original records, the Records clerk will check the contents of the return against the "check-out log" and note when and who returned the files. If there are no discrepancies in the contents of the records being checked in, the receiving person will initial the "check-out log" placing all records in its originating file location.

F. Records personnel will respond to all requests from the courts for original records. A complete copy of the records requested will be made before removing the original from the Records Section.

G. Individuals may request a “Clearance Letter” for purposes of travel visas, adoptions, and other reasons. Records personnel will obtain at least two pieces (one photo) of identification, along with a written request and check the person’s local record only. The Records personnel will prepare a “To Whom it May Concern” letter indicating that no criminal record has been recorded in BISD. State or Federal Criminal History inquiries are made directly to those agencies by the individual.

POLICE BASTROP ISD UNITY HONOR INTEGRITY	Subject: Internal Investigation Process	Issue Date: 11/30/2015
	Chapter: 4	Revision Date: 05/01/2020
	Policy: 4.7 **Reference:** TBP: 2.04, 2.05, 2.06, 2.07, and 2.10	Total Pages: 10 Chief Bunch's signature:

Internal Investigation Process

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 a professional response 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

To describe procedures for making complaints against department personnel for investigating complaints and to list and define the dispositions of complaints.

III. PROCEDURES – GENERAL (TBP: 2.04)

A. Receipt of Complaints

The Bastrop ISD Police 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.

    a. The supervisor shall document all instances of counseling.

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 may be given to any person requesting information on how to make a complaint.

D. Responsibility for handling complaints

All complaints alleging a violation of the law or policy will be investigated. Complaints regarding law enforcement operations will usually be handled through the chain of command beginning with the first-line supervisor. Complaints involving how law enforcement services are 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. 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

a. 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 complaint prepared. A signed letter of complaint will be accepted as a signed complaint without requiring any specific form. Anonymous complaints are not considered to be formal complaints but shall be followed up to the extent possible. In case of an anonymous complaint the officer or 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.

2. 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.

3. 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.

4. If the first-line supervisor or other Detectives determine that the complainant is apparently under the influence of an intoxicant or drug, appears to have a mental disorder or displays any other trait or condition bearing on his/her credibility, the supervisor or Detective shall note these conditions. Any visible marks or injuries relative to the allegation shall be noted and photographed.

5. Prisoners or arrestees also may make complaints. Circumstances may require a department representative meet the complainant at a jail or prison for an interview. If appropriate, the representative will have photographs taken of prisoners' injuries.

6. 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.

7. Complaints received by telephone shall be courteously and promptly referred to a supervisor or the Chief of Police. The employee shall record the name and telephone number of the complainant and state that the Chief of Police or, if unavailable an officer will call back as soon as practical.

8. The above procedure may also be used when department employees desire to enter a complaint against any other employee governed by this order.

9. 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 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, 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 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, a Detective 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, demotion or criminal charges being sought are serious complaints. The term "serious complaint," in this manual, is synonymous with "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 as well as an administrative or Internal Investigation. The criminal investigation examines compliance with the 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 serious complaints the Chief of Police shall:

    a. Determine if the officer complained of should remain on-duty, be assigned to non-contact assignments or put on administrative leave until completion of the investigations.

    b. Determine and assign responsibility for the investigations.

c. Cause the complaint to be registered and assigned an investigation number in the complaint log.

d. Maintain close liaison with the prosecuting attorney in investigating alleged criminal conduct. Where liability is at issue, the Chief shall similarly maintain contact with the District's 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 approved by the Chief, a specific number of days will be approved and a copy 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, there will be one employee designated as the primary interviewer.

4. The complete interview shall be recorded. The recording will note the time at which breaks are taken in the interview process, who requested the break and the time at which the interview resumed.

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 Texas Code of Criminal Procedure Article 38.22.

b. In addition to the rights set forth in state law, the Chief, or his/her designee shall advise the employee that if he/she asserts his/her 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 proceeding.

E. Interview for administrative purposes

1. If the Chief of Police wishes to compel an employee to answer questions directly related to his/her official duties, the Chief of Police, or another interviewer shall advise the employee that:

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. I want to reassure you that 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 purpose, no Miranda rights are required.

V. INVESTIGATIVE TOOLS AND RESOURCES

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

1. Medical and laboratory examination

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 has a reading of .05 or higher or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty by the Chief of Police or officer in authority.

4. 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.

5. 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.

6. If an employee refuses to submit to a test, (alcohol or drugs) then the Chief of Police or other officer in authority shall immediately relieve the employee from duty (on paid leave) for failure to cooperate in an administrative investigation.

7. Property assigned to the employee but belonging to the department is subject to inspection where 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. Photograph and lineup identification procedures

1. Officers may be required to stand in a lineup for viewing for the purpose of identifying an employee accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action and may result in dismissal if the criminal prosecution is not anticipated.
   A book of photos of department employees may be maintained for the purpose of identification of an employee accused of misconduct.

C. 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.

D. 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 when:

    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 if the complainant takes a polygraph, or is even known, but the complaint is of such a nature 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 impede 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 as:

1. Unfounded - no truth to allegations.

2. Exonerated - allegations true, but are the result of adherence to departmental policy or procedure. Exonerated complaints will be reviewed by the Chief of Police for policy issues.

3. Not sustained - unable to verify the truth of the matters under investigation.

4. Sustained - allegations are true. Complaints will not be classified as sustained unless based on a finding of facts determined during the investigation. (TBP: 2.04)

B. Completed investigations classified as unfounded, exonerated, not sustained or policy failure 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.

C. 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 in consideration of the employee's service record and prior sustained complaints.

D. 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 District 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.

	Subject: Computers and Electronic Equipment	Issue Date: 11/30/2015
	Chapter: 4	Revision Date: 04/01/2020
	Policy: 4.8	Total Pages: 13

Computers and Electronic Equipment

I. POLICY

It is the policy of the Bastrop ISD Police Department to ensure proper use of electronic computing and recording systems by establishing authorized uses and users; establishing protocols for storage, security, and retention; and prohibiting inappropriate uses of such equipment.

II. PURPOSE

To define and provide clear direction to the use and prohibited uses of department 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

Network Terminals – desktop, laptop, or other computers which connect to the department internal computer network.

MDC or Mobile Digital Computers – In-vehicle computers, whether laptop or tablet, which in some manner connect to the internet, department computer networks, or other service such as TCIC which provides officers with data, or allows officers to conduct field reporting or communications with other officers or the department.

Mobile Phones – Either department owned or personally owned cell phones or smart phones.

Mobile Video Recording – In-vehicle camera systems which are permanently mounted in department vehicles.

Digital Media Recorder or DMR – Officer worn digital audio or video recording device.

Digital Camera – a single purpose handheld camera designed to take digital photographs of scenes.

IV. PROCEDURES

The sections below define the procedures to be used and specific prohibitions regarding the use of specific equipment.

A. General Provisions

1. Any electronic documents, reports, audio or video recordings, images, emails, voice communications and any other form of electronic data that is 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 a government record, is subject to public record laws and must be preserved accordingly.

2. Any electronic documents, reports, audio or video recordings, images, emails, voice communications and any other form of electronic data that is created while on or off duty, that is created on department owned equipment may be considered a government record and may be reviewed and preserved if required. All department owned equipment and its use is subject to routine or specific review and/or investigation by department supervisors as needed to ensure appropriate use.

3. Use of personal electronic devices such as mobile phones and mobile phone cameras, for strictly personal use, not related to department operations while on-duty, 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 department general orders or law.

4. All employees that directly access the TCIC/NCIC database will be trained in the appropriate level of access.

5. In all cases where a formal departmental report (offense, incident, or use of force) is required and any form of digital evidence exists, the reporting officer will note that digital evidence exists in the report and identify the type of evidence and 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 that is 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. Employees are allowed to use internet access for personal use during meal and other breaks, as long as the sites accessed are appropriate for public viewing. No video games will be played on department equipment or inappropriate websites visited.

3. Employees are reminded of their obligations under the department general orders and law. Inappropriate use of electronic devices or the release or posting of inappropriate, another party's private information or governmental information usually deemed private, on the internet or various social media sites can lead to Internal Investigations and subsequent disciplinary action. Officers can also be questioned about these 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 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 has 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 (by closing and locking a door, or by visible monitoring).

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 allow access to certain files only as required.

B. Required Access

1. All employees are required to sign-in at least twice each workday (at the beginning and end) to the network and read and respond to all department emails and training assignments.

2. Employees who discover Network Terminals in need of repair will notify the Administrative Sergeant as soon as possible.

VI. MOBILE DIGITAL TERMINALS / COMPUTERS – MDT/MDC

A. The Mobile 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 use of the MDT. Additionally, messages:

1. Will not be personal in nature;

2. Will not contain derogatory references to other persons or agencies; and

3. Will not contain any text a reasonable person would find offensive.

B. Field officers may signal receipt of a Call for Service, Arrival at the Scene of a Call, request assistance, and clear from a Call by using the MDT/MDC but shall also do so by voice communications in order for other field units and supervisors to be aware of ongoing operations.

C. Because messages sent with the MDT system slow the system's response time, only concise work-related messages may be transmitted. Personnel are urged to use abbreviations to help keep the messages brief.

D. There is NO EXPECTATION of privacy concerning sending or receiving messages via the 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 safely 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.

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. MVR equipment shall automatically activate when emergency equipment (lights) or a wireless transmitter is operating. The system may also be activated manually from the control panel affixed to the interior of the vehicle.

2. Placement and operation of system components within the vehicle shall be based on officer safety requirements.

3. All officers shall successfully complete this department's approved course of instruction prior to being deployed with MVR systems in operational settings.

4. Inspection and general maintenance of MVR equipment installed in departmental vehicles shall be the responsibility of the officer assigned to the vehicle.

5. 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. Windshield and camera lens free of debris

    b. Camera facing intended direction

    c. Recording mechanism capturing both audio and video information - System plays back both audio and video tracks.

    d. Log into the system with the flash drive to personalize the recording

6. Malfunctions, damage or theft of in-car camera equipment shall be reported to the immediate supervisor prior to placing the unit into service.

7. 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

8. When the MVR is activated, officers shall ensure that the audio portion is also activated so all events are properly documented. Officers are encouraged to narrate events using the audio recording so as to provide the best documentation for pretrial and courtroom presentation.

9. Officers using the 900 MHz 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.

10. When officers park patrol units in the parking, the MVR downloads automatically to the server and is maintained by the Patrol Sergeant.

11. Officers shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.

12. When the MVR is activated to document an event, it shall not be deactivated until:

    a. the event has been concluded unless the incident or event is of such duration that the MVR may be deactivated to conserve recording times; and

    b. the officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and

c. the intention to stop the recording has been noted by the officer either verbally or in a written notation.

13. Supervisors' Responsibilities

a. Supervisors shall issue a personalized flash drive

b. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shootings, departmental accidents), a supervisor shall respond to the scene and ensure crime scene investigator removes the recorded media.

c. The technician or investigator shall upload the media onto the in-car video storage device and provide copies to authorized investigative personnel;

d. All recordings are maintained on the in-car video computer.

e. The supervisor shall periodically check the upload log to ensure recordings are being downloaded.

f. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.

g. Supervisors shall conduct periodic reviews of officer assigned media in order to periodically assess officer performance; assure proper functioning of MVR equipment; determine if MVR equipment is being operated properly and identify recordings that may be appropriate for training.

h. Supervisors shall conduct quarterly reviews of personnel who are newly assigned MVR equipment in order to ensure compliance with departmental policy. Supervisors shall thereafter 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 become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken.

i. Supervisor shall ensure that adequate recording media is on hand and available for issuance

14. Technicians' Responsibilities

a. A designated officer or other employee shall be responsible for the ordering, issuance and retrieval, 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 90 days.

VIII. MOBILE TELEPHONES

A. Department Issued Cell Phones

1. Cell Phones issued by the department shall be used to increase the level of communication between field officers and the department as well as citizens.

2. Cell phones are only to be used for appropriate departmental activities.

3. Employees are allowed to use department cell phones for emergency and short personal calls during breaks. The department shall regularly inspects cell phone usage records for inappropriate activity.

B. Personally Owned Cell Phones

1. 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 may be used to record department activities, both still and video, only when another more suitable camera or recording devices 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 immediately be transferred 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 may be utilized to record department activities, both still and video, only when another more suitable camera or recording devices is unavailable.

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 immediately be transferred 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. Filed 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 is carried pursuant to 1 above, the employee will report any use of the camera during a police incident to their 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)

A. Department Issued Digital Media Recorders DMR

1. These procedures do not apply to mounted in-vehicle audio/video systems covered elsewhere in this order.

2. 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.

3. The Chief of Police will designate an individual to manage the receipt and storage of DMR data. DMR data will be deleted after 90 days.

4. Officers issued a DMR shall use the device as required below.

B. When usage is required

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 outside the officer's vehicle.

5. During building searches and alarm responses.

6. If activated for any of the above reasons, the recording should continue until the incident has completed or the officer has left the scene.

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 due to section B above.

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 recorded data without the permission of the officer's supervisor.

6. Uploading of any DMR data to any social media sites is prohibited.

7. Officers may only use DMRs in patient care areas of hospitals or emergency rooms when the recording is for official business. Officers will attempt to prevent the recording of non-involved individuals to the extent possible.

D. Officer Responsibilities

1. Officers issued a department owned DMR shall attend training and 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.

    a. Any device found deficient at any time will be reported to the officer's supervisor who will issue a replacement if available.

3. Any DMR data created will be downloaded or copied to the appropriate department storage location before the end of shift.

4. While 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; any data that an officer believes is evidence, is recorded during a use of force or pursuit, 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.

E. Personally Owned Digital Media Recorders – DMRs

1. Department personnel not issued a department DMR may carry a personally owned DMR with written permission of the Chief of Police.

2. Prior to approval, the officer must demonstrate proper use and transfer of data to department media.

3. The officer carrying a personally owned DMR are subject to the same rules and regulations as those with a department issued DMR.

4. All data recorded while on-duty is the property of the department regardless of the device ownership and will be handled as such.

5. All data will be transferred to department media and the device erased prior to the end of shift.

6. Supervisors may request proof of erasure if necessary.

F. Supervisor's Responsibilities

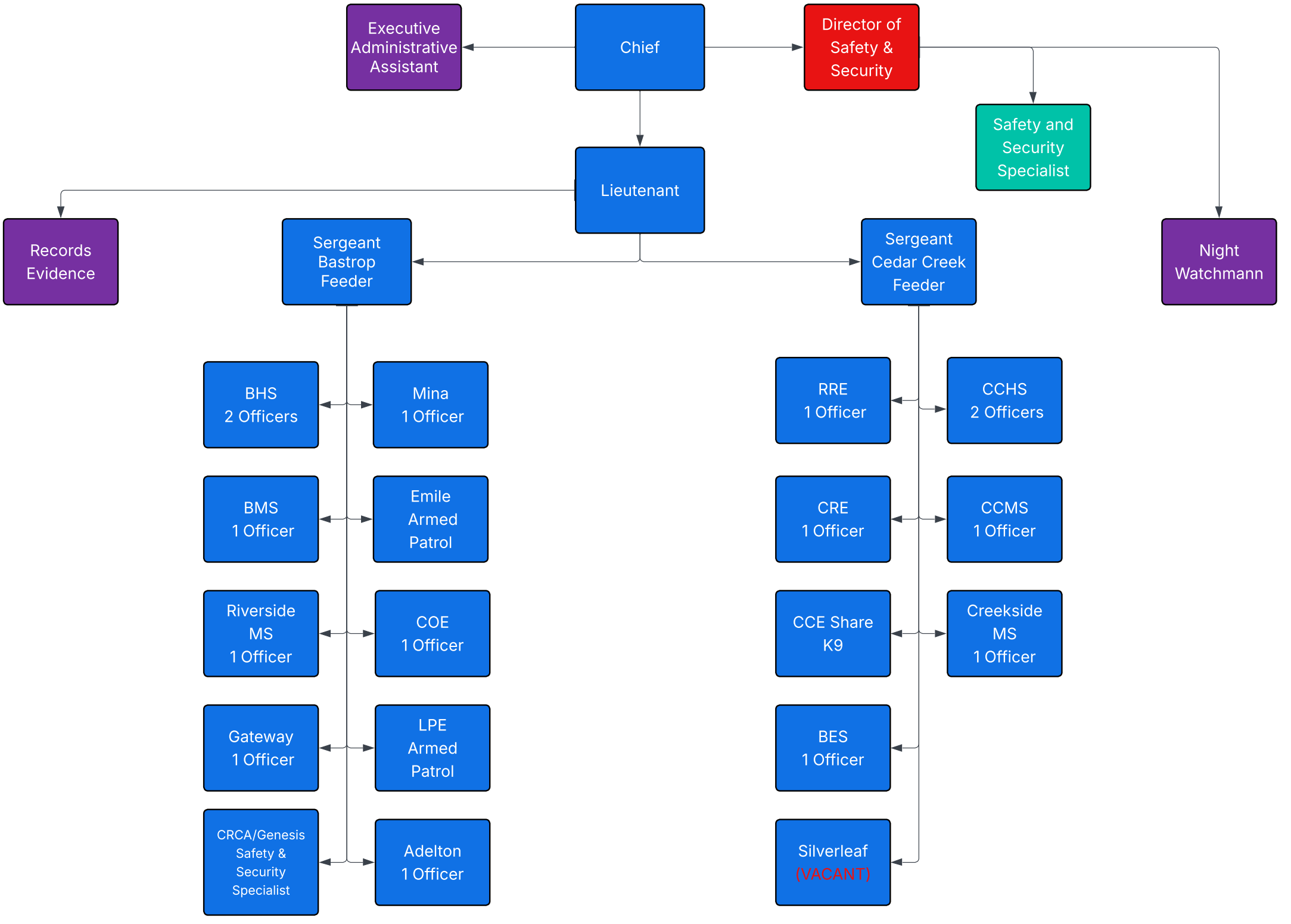
1. Supervisors will attend department training on the use, retrieval and storage of data using DMRs.

2. Supervisors will take such action to ensure data from DMRs are 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.

Staffing Bastrop ISD Police
2026-2027



	Subject: Complaint Procedures	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 05/01/2020
	Policy: 5.1	Total Pages: 18

PERSONNEL – COMPLAINT PROCEDURES

Nothing in these general orders shall be construed or is intended to alter the employment at will status of any employee and no employee or supervisor of BISD has the authority to make any statement or take any action which alters the employment at will status of any employee or which creates any expectation of future employment.

I. POLICY

The image of the Bastrop ISD Police Department depends on the personal integrity and discipline of all Departmental employees. To a large degree, the public image of this Department is determined by the professional response of the Department to allegations of misconduct against it or its employees. The Department must competently and professionally investigate all allegations of misfeasance, malfeasance, nonfeasance by employees and complaints bearing on the Department's response to community needs.

II. PURPOSE

To establish procedures for the filing, investigating, and dispositions of internally and externally originated complaints against employees of the Bastrop ISD Police Department. These complaints include all alleged or suspected violations of the Code of Conduct, Department General Orders, the BISD Personnel Rules and Regulations, the laws of the State of Texas, or the United States.

III. PROCEDURES

A. The Department encourages citizens to bring forward legitimate grievances regarding misconduct by employees. Department members shall receive complaints courteously and shall handle them efficiently. All officers are obligated to explain the complaint procedures to inquiring citizens.

B. The Department recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In such situations, works, actions, and events frequently result in misunderstanding and confusion. It is to the advantage of all employees to have a procedure for the investigation of serious allegations and underlying circumstances so that complaints can be resolved in light of the complicated pressures of police work.

IV. DEFINITIONS

A. **Discipline:** A method of training or developing any employee by proper supervision and instruction. Discipline may be positive (awards) or negative (punishment).

B. **Disciplinary Action:** Punitive measures taken against an employee as the result of a complaint(s) of one or more violations, which have been sustained by administrative investigation. These measures include counseling, oral warning, written reprimand, suspension, demotion and termination.

C. **Discipline (Positive):** Positive discipline is oriented towards seeking voluntary compliance with established policies, procedures, and orders. Methods of positive discipline include:

1. Recognition of excellent job performance through rewards or awards.

    a. When positive feedback concerning an employee's performance is received from people outside the Department, the person who receives the information shall make a record of the comments, which will be passed, to the employee and the employee's supervisor. Normally, when the Chief receives positive comments about an employee, he will write an acknowledgment thanking the citizen. Copies of the citizen's statement and the Chief's response are sent to the officer involved, the supervisor and, if a significant action, a copy of all correspondence is placed in the employee's personnel file.

    b. Truly exceptional acts should be clearly and promptly identified to the Chief of Police. Such acts may be the basis for special awards or for special recognition by citizen-community groups or media coverage.

2. Discussions and Counseling

3. Training

D. **Complaint Defined:** Any allegation of conduct by an employee, which is:

1. Unconstitutional;

2. Unlawful; or

3. in violation of Departmental General Orders or BISD Personnel Rules.

E. **Non-Disciplinary Action:** Oral or written counseling given to employee to bring attention to noted job performance deficiencies or chronic regulation infractions in an effort to induce voluntary compliance.

F. **Personnel Incident Form:** Form, used by the supervisor, who initially receives information, to report details of alleged employee misconduct or to report favorable actions of an employee.

G. Level I Complaints.

1. **Crime:** Complaint of involvement in criminal conduct, such as bribery, theft, perjury, etc.

2. **Excessive Force:** Complaint that the use or threatened use of force against a person was unreasonable and unnecessary under the circumstances.

3. **Arrest/Detention:** Complaint that the restraint of a person's liberty occurred without probable cause, reasonable suspicion or other legally valid reasons.

4. **Entry:** Complaint that entry into a building or other property was improper and/or that excessive damage was caused to the property to gain entry.

5. **Search:** Complaint that the search of a person or property was illegal, improper or unjustified.

6. **Harassment:** Complaint that taking, failing to take, or the method of police action was predicated upon factors that were irrelevant, such as race, attire, sex, age, etc.

7. **Serious Rule Infractions:** Complaint such as disrespect toward a supervisor, intoxication on duty, sleeping on duty, neglect or dereliction of duty, false statements, or malingering.

H. Level II Complaints

1. **Demeanor:** Complaint that an employee's manner, gestures, language or other actions were offensive or inappropriate or gave the appearance of a conflict of interest or misuse of influence.

2. **Minor Rule Infraction:** Complaint such as tardiness, faulty driving or failure to comply with established Department or BISD policies and procedures.

V. REQUIREMENTS FOR MAKING FORMAL COMPLAINTS

Personnel complaints shall comply with Section 614.022, Government Code, as interpreted by the BISD.

A. Persons wishing to make formal complaints must do so by submitting a written statement of the complaint accompanied by their signature. A notarized affidavit is preferred but not required.

B. A signed letter of complaint may be sufficient after verification that it is not fictitious or signed with a fictitious name. The Chief of Police shall make this determination.

C. An internally originated complaint may be made by any Department supervisor or other employee by submitting a written statement with signature or by notarized affidavit.

D. The Chief of Police may serve as the complainant of an externally originated complaint that cannot or will not be made by the original complainant as outlined in paragraph A of this Section. This shall be done only upon substantial evidence that a defined infraction has occurred.

VI. TIME LIMIT ON ACCEPTING COMPLAINTS

Personnel complaints shall not be accepted more than 30 days after the alleged incident except for the following exceptions:

A. When the complaint involves a criminal violation, the criminal statute of limitations will prevail. However, such limitations shall not prevent the Chief of Police from taking disciplinary action deemed necessary to preserve the integrity of the Department.

B. When the complainant can show good cause for not making the complaint within the specified time limit, the complaint may be accepted. The Chief of Police shall make this determination.

C. When otherwise authorized by the Chief of Police.

VII. ANONYMOUS COMPLAINTS

Anonymous complaints shall be investigated only at the specific direction of the Chief of Police. If a preliminary investigation identifies a violation, the Chief of Police or his designee may sign the formal complaint.

VIII. INVESTIGATION RESPONSIBILITY

A. All Level I complaints shall be formally investigated by personnel as assigned by the Chief of Police.

B. Level II complaints shall be initiated by Personnel Incident Form and conducted at the line supervisor level with prior approval and staff supervision of the Chief of Police. Level II complaints, which are conducted at the line supervisor level, shall be subject to non-disciplinary action only unless urgent circumstances exist. Level II complaints, which are investigated at the line supervisor level, may be subject to disciplinary action only at the authorization of the Chief of Police. Level II complaints may be subject to a formal investigation with the approval of the Chief of Police. Level II complaints, which are formally investigated, shall be subject to the full range of disciplinary actions including termination.

IX. AUTHORITY AND RESPONSIBILITY

A. All Employees

1. Non-supervisory personnel shall utilize their chain of command to report infractions. Non-supervisory personnel may report infractions directly to the Chief of Police or Superintendent if the infraction involves a person in their immediate chain of command or the infraction is of a Level I classification.

2. Any employee who gains knowledge of a reported infraction shall immediately submit a memorandum outlining the details of the reported infraction to his supervisor as soon as practical. Each participating employee in a complaint investigation shall submit all affidavits and memoranda that are required by the investigator of the complaint.

B. Supervisors

1. Supervisory personnel shall initiate a Personnel Incident Form when they become aware of an infraction by any member of the Department.

2. Violations designated, as Level II infractions shall be investigated entirely at line supervisor level. Non-disciplinary action, unless forwarded to Chief of Police for a formal investigation, will also be conducted at the line supervisor level.

3. Violations designated as Level I infractions shall be forwarded ***directly*** to the Chief of Police in a detailed Personnel Incident Form.

4. Any employee who initially becomes aware of another employee's involvement in a Level I incident shall inform the on-duty supervisor or his designee. If the violation is of a serious nature, the on-duty supervisor or his designee shall notify the Chief of Police. The Chief of Police or his designee will then determine whether to relieve the accused employee from duty.

C. Traffic Citations/Arrests

Complaints from citizens regarding a dispute over legal issues or their guilt or innocence in the issuance of a traffic citation or subsequent to an arrest shall be documented in a memorandum and forwarded to the Chief of Police by the supervisor or officer who initially becomes aware of the complaint. However, if a citizen can furnish sufficient evidence that a violation of law or Departmental policy has occurred, the complaint, at the discretion of the Chief of Police, may be investigated.

X. INVESTIGATION OF EXTERNALLY ORIGINATED COMPLAINTS

A. Level I Complaints

1. Citizens who telephone or appear in person between 0800 and 1700 hours on weekdays and wish to make a complaint against an employee shall be referred to the Senior Officer on duty or Chief of Police, who shall:

   a. Interview the complainant in person or by telephone to obtain all pertinent information so that the complaint may be placed on a Personnel Incident Form;

   b. Advise the complainant that the complaint must be made in writing and signed by the complainant if it is to be formally investigated. If the complainant desires to sign the complaint, the supervisor shall advise him to appear in person so that an affidavit may be obtained. If the complainant cannot appear in person, advise the complainant to send a signed letter addressed to the Chief of Police;

   c. Send the original affidavit (if obtained at the time of the initial complaint) and the Personnel Incident Form, without employee response, ***directly*** to the Chief of Police office and retain a copy. ***No copies of the affidavit shall be forwarded to any other individual(s);***

2. The Chief of Police or his designee shall examine the content of the complaint to determine if it meets the requirements of a complaint, i.e. alleges a violation of the law or the regulations of the Department and/or BISD.

3. The Chief of Police or his designee will assign a control number to the case and designate an investigator to examine the allegation.

4. The accused employee may be required to respond orally and in writing to the complaint.

B. Level II Complaints

1. Citizens who telephone or appear in person between 0800 and 1700 hours on weekdays and wish to make a complaint against an employee shall be referred to the Senior Officer on duty or Chief of Police.

2. Complainants shall be referred to an on-duty supervisor. The supervisor shall:

a. Interview the complainant in person or by telephone to obtain all pertinent information so that the complaint may be placed on a Personnel Incident Form;

b. Send the original Personnel Incident Form to the Chief of Police for further determination of complaint classification;

3. When a Level II complaint is to be resolved at the line supervisor level, the investigative file will be set up and delivered to the appropriate supervisor who shall investigate the allegation. The investigation will be properly documented and submitted to the Chief of Police for approval.

C. The accused employee may be required to report to the office of the Chief of Police at the outset of an investigation, and may be instructed to respond orally and in writing to the complaint.

XI. INVESTIGATION OF INTERNALLY ORIGINATED COMPLAINTS

A. The supervisor who initially becomes aware of an alleged or suspected Level I violation shall forward a Personnel Incident Form detailing the violation directly to the Chief of Police.

B. The Chief of Police will examine the content of the Personnel Incident Form to determine if the requirements of a complaint (alleges a violation of the law or the regulations of the Department and/or BISD) are present.

C. The Chief of Police or his designee will assign a control number to the case and designate an investigator to examine the allegation.

D. At the discretion of the Chief of Police, if the investigation is to be conducted at the line supervisor level, the investigative file shall be delivered to the appropriate supervisor.

XII. EMPLOYEE'S RIGHTS DURING INTERNAL INVESTIGATION

A. Requirements to Answer Questions

1. An employee shall be required to answer questions relating to his duties and may be disciplined for refusal to answer such questions in accordance with the Garrity doctrine and applicable law.

2. Any such required statements could be used against the employee in a disciplinary action or civil proceeding. The statements ***would not be admissible in subsequent criminal action.***

B. Supervisor's Presence during Interview

An accused employee may request that his immediate supervisor or other member of his chain of command be permitted to attend an interview regarding an investigation of non-criminal conduct. The supervisor may attend in an observation capacity only and shall not take an active part in the interview. An employee's supervisor shall not be permitted to attend an interview regarding an investigation of criminal conduct.

C. Counsel's Presence during Interview

1. The accused employee will ***not*** be permitted to have counsel present during an interview concerning an internal investigation. The Fifth Amendment right to counsel ***does not apply*** to administrative matters if a Garrity order has been issued to the employee.

2. An accused employee is not entitled to receive the Miranda warning during an administrative investigation. The employee shall be directed to read and sign the Internal Investigation Warning and shall be provided with a copy.

D. Search of Equipment

Reasonable searches of Departmental equipment (lockers, desks, vehicles, etc.) and facilities for the purpose of identifying and securing evidence that may be utilized as part of an administrative investigation. The search must be approved in advance by the Chief of Police or his designee and

the circumstances shall be documented by the supervisor in a memorandum to the Chief of Police through the chain of command. Pursuant to these procedures and orders, no employee shall have any expectation of privacy in any Departmental equipment or facilities such as lockers, desks or vehicles.

E. Special Examinations

1. An accused employee may request, by memorandum, to undergo a behavioral cause investigation, blood test, or polygraph examination if he believes such would be beneficial to his defense. The Chief of Police shall authorize or deny all such requests.

2. The Department may ***require*** an accused employee to submit to a behavioral cause investigation or polygraph examination. The results of such examination would be limited to administrative use except as provided by law.

F. Polygraph Examinations

1. In some cases, a complainant may undergo a polygraph test to substantiate his allegations made against an employee in an affidavit. When the test reveals no deception on the part of the complainant, the accused employee may be ordered to submit to a polygraph test.

2. Should the accused employee refuse to take the test after being ordered by the Chief of Police, the accused employee may be subject to disciplinary action up to and including termination for refusal to obey a lawful order (insubordination).

3. Should the investigation originate from an internal allegation, the involved employee(s) may be ordered to take the polygraph test when in the best interest of the Department. Section F (2) above shall apply.

G. Medical and Laboratory Examination

The Chief of Police or his designee may, based on his observation, require a Department employee to submit to a test for alcohol or drug use while on duty. The results may be used in the disciplinary process. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.

1. If the employee is believed to be under the influence of alcohol, a licensed Breathalyzer operator may administer the test. The Chief of Police or officer in authority shall witness the test and sign the report. (Portable breath testing instrument may be used to perform this test.)

2. If the employee has a reading of .05 or higher or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty by the Chief of Police or officer in authority.

3. If the employee is believed to be under the influence of self-administered drugs, he may be compelled to submit to a blood and/or urine test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample will be handled using the same safeguards as evidence in a criminal process.

4. If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty as soon as possible by the Chief of Police or other officers in authority.

5. If an employee refuses to submit to a test, (alcohol or drugs) then the supervisor may relieve the employee from duty for failure to cooperate in an administrative investigation.

H. Photograph and Lineup Identification Procedures

Officers may be required to stand in a lineup for viewing by citizens for the purpose of identifying an employee accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action and may result in dismissal.

1. A photo identification book of Department employees may be maintained for the purpose of identification by citizens of an employee accused of misconduct. Photographs of employees for the identification book may be required by the Department and shall be used only when narrowly related to the employee's job.

2. Photographs or videotape pictures of employees, with or without an employee's consent, may be taken for the purpose of internal investigations as related to the employee's job when the employee is suspected of misconduct.

XIII. COMPLETION OF COMPLAINT INVESTIGATION

A. Upon conclusion of an administrative investigation, the complaint will be classified as one of the following:

1. Unfounded - Allegation is false or not supported factually.

2. Exonerated - Incident complained of did occur but the officer's actions were lawful and proper.

3. Not sustained - Insufficient evidence either to prove or disprove the allegation.

4. Sustained - Allegation is supported by specific findings of facts under the totality of the circumstances

5. VNR - Violation not related to initial complaint.

B. Upon completion of the investigation, the Chief of Police shall forward the file to the Superintendent for review.

C. The Chief of Police or his designee will notify the complainant in writing of the final disposition except when a pending criminal case might be compromised by disclosure of this information

D. Regardless of disposition, all complaints that are investigated shall be submitted to the Superintendent for review. The Chief of Police may forward the investigation to the appropriate supervisor so that preventive measures can be taken to avoid similar complaints in the future.

E. Internal investigations shall be completed within 30 days with an allowance of up to two extensions, both lasting up to 30 days which must be approved in writing by the Chief of Police and which may be granted only for good cause.

XIV. Completion of Complaint Investigation

A. All complaint investigations shall be considered confidential and, except as provided below, no portion of the investigation may be reproduced without the authority of the Chief of Police.

B. Any employee or external complainant, upon written request, shall be provided with a copy of his own work product. All copies, when the original has become part of the investigative file, must be stamped as "confidential".

C. Investigative reports shall not be released except when required by law or authorized by the employee in writing.

D. The Bastrop ISD Police Department must respond to any subpoena for internal investigation records. If a court of competent jurisdiction orders the Bastrop ISD Police Department to produce the records, the order will be complied with or appealed, after consulting the attorneys for the District.

XV. TYPES OF DISCIPLINARY ACTIONS

A. All disciplinary action will be based on substantial evidence. "Proof beyond a reasonable doubt" or "a preponderance of the evidence" is not required.

1. Substantial evidence is defined as such evidence that a reasonable mind might accept as adequate to support a conclusion. It is that quality of evidence necessary for a court to affirm a decision of an administrative board.

2. Proof beyond a reasonable doubt is defined as such proof as precludes every reasonable hypothesis except that which it tends to support and which is wholly consistent with the defendant's guilt and inconsistent with any other rational conclusion.

3. Preponderance of evidence is defined as evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it.

B. Level II Infractions

Level II infractions that are classified as sustained following an administrative investigation shall be subject to the following non-disciplinary actions only unless formally investigated or urgent circumstances exist and other disciplinary actions are authorized by the Chief of Police.

1. Verbal Warning - The purpose of a verbal warning is to allow a supervisor to bring to the employee's attention the need to improve his work performance, work habits, behavior, or attitude, and to serve as a warning against further unsatisfactory conduct. The supervisor shall utilize the occasion to identify and define the area needing improvement and inform the employee as to how such improvement can be realistically achieved. The supervisor shall document the verbal warning on a Personnel Incident Form and

forward it to the Chief of Police for disposition. Upon request of the employee, the documentation of the verbal warning may be removed from the file and destroyed after a period of one year.

2. Written Warning - The purpose of a written warning is to bring to the employee's attention the need to improve his performance, work habits, behavior, or attitude where a verbal warning has not resulted in expected improvement, or when action more serious than a verbal warning is warranted. The supervisor shall document the violation on a Personnel Incident Form and forward same to the Chief of Police through the chain of command with a recommendation for a written warning. Upon approval, the form and the written warning issued by the supervisor shall be placed in the employee's Departmental file. If not approved the supervisor shall retain the option to issue a verbal warning unless otherwise directed. Upon request of the employee the written warning may be removed from the file and destroyed after a period of two years.

3. Training - When additional training is warranted and approved by the Chief of Police.

C. Level I Infractions

Level I infractions which are classified as sustained are subject to the following types of disciplinary action which can only be assessed by the Chief of Police subject to appeal and approval by the BISD School Board.

1. Written Reprimand - Upon request of the employee the form may be removed from the file and destroyed after a period of two years;

2. Suspension;

3. Demotion;

4. Termination.

Disciplinary action involving potential monetary loss by the employee, including suspension, demotion and termination shall only be assessed subsequent to a formal internal investigation and subsequent to the affected employee being given an opportunity to provide any mitigating information.

The Chief of Police may solicit recommendations for disciplinary action as he deems necessary.

Sustained Level I infractions are also subject to the non-disciplinary actions that are described in paragraph B of this Section if so ordered by the Chief of Police.

XVI. SPECIAL PROCEDURES

A. Complaints Involving Alleged Criminal Violations

1. All criminal investigations involving Department employees shall be conducted by the DPS Texas Rangers or other appropriate law enforcement agency; not by the Bastrop ISD Police Department.

2. Any time that an employee of the Department learns that a law enforcement agency other than the Bastrop ISD Police Department has arrested or issued an arrest warrant for another employee of the Bastrop ISD Police Department, the employee shall immediately report the information concerning the arrest and/or the warrant to the Chief of Police.

B. Complaints against the Chief of Police

When a valid complaint is made against the Chief of Police, the complaint shall be handled in accordance with these General Orders except that the appropriate BISD Official or his/her designee shall, in that circumstance, act as the Chief of Police.

C. Departmental Vehicle Accidents

When the investigation of an accident involving a Departmental vehicle reveals misconduct of a Department employee, the act shall be investigated in accordance with the provisions of this General Order.

D. Emergency Relief from Duty, Suspension, or Discharge

1. Any supervisor has the authority to impose emergency relief from duty for an employee until the next business day when it appears that such action is in the best interest of the Department and/or the employee. Whenever an employee is relieved from duty, the Chief of Police shall be immediately notified.

2. The Chief of Police is the only BISD Police Department employee who has the authority to place an employee on administrative leave with pay.

3. When an employee is temporarily relieved from duty, his supervisor shall collect the employee's badge(s), Department issued weapon(s) and police identification card. When an employee is discharged, the supervisor shall ensure that all district- issued property and equipment used by the employee is turned in. In either case, the supervisor shall forward, through the chain of command, a written report detailing the items that he has collected.

XVII. APPEALS AND GRIEVANCES

Appeals and grievances may be filed by any employee in accordance with the BISD Personnel Policies and Procedures. Employees may appeal disciplinary actions of the Chief of Police to the Superintendent.

XVIII. BEHAVIORAL CAUSE INVESTIGATION

A. A behavioral cause investigation is an administrative investigation which is conducted when an employee exhibits unusual or abnormal behavior which affects his or her ability to perform her job in a proper or safe manner. This may either be observed behavior by the employee's supervisor(s) or a perceived behavioral deficiency which is claimed by the employee. The employee is referred, at BISD's expense, to a licensed psychologist who will examine the employee and make a determination as to his fitness for duty in light of the observed/claimed behavior.

B. Authority and Responsibility

1. The Chief of Police may initiate a behavioral cause investigation whenever he believes it is in the best interest of the employee and/or the Department.

2. The employee's supervisor may recommend to the Chief of Police a behavioral cause investigation based upon the nature of the complaint and/or the accused employee's disciplinary record.

3. Any employee who is the subject of a behavioral cause investigation will be referred to a psychologist under BISD contract or one that the Department deems qualified.

C. Who May Undergo a Behavioral Cause Evaluation

1. Any Department employee who exhibits unusual or abnormal behavior which can reasonably be expected to prevent that employee from accomplishing his assigned duties in a safe or proper manner.

2. Any Department employee who exhibits unusual or abnormal behavior which, if not restricted, can reasonably be expected to place that employee or another person in danger.

3. Any employee who perceives a personal behavioral deficiency and requests such an investigation and has such a request approved by the Chief of Police.

D. Self-Injection into a Behavioral Cause Evaluation

1. If an employee feels that he has an emotional or stress related problem that has resulted in a complaint, he may request a behavioral cause investigation by contacting the Chief of Police.

2. The purpose of self-injection into a behavioral cause investigation is to identify the cause of the unusual or abnormal behavior on the part of the employee and to provide him with professional assistance in redirecting or changing his behavior.

3. The final diagnostic evaluation will be presented to the Chief of Police for consideration in determining what action, if any, is to be taken as a result of the original complaint.

E. Interview with a Psychologist

All employees entering a behavioral cause investigation shall be interviewed by a psychologist licensed to practice in Texas, who may have the biographical and Departmental history of the employee plus any profile resulting from the applicant-level psychometric testing. Any information obtained by the psychologist which does not relate to the specific incident or problem under investigation will be considered privileged communication and shall not be entered into any Departmental file or history on the employee.

F. Handling of Mentally Disturbed Employees

1. When a supervisor becomes aware that an employee has reported for duty exhibiting, or while on duty exhibits, abnormal behavior, indicative of a disturbed mental or emotional condition, the employee shall be removed from any assignment which necessitates contact with the public. If necessary, the employee may be temporarily relieved of duty by his supervisor. The supervisor shall notify the Chief of Police as soon as practical.

2. When a supervisor becomes aware of a suspected behavioral problem and/or any of the administrative actions have taken place as described in Section XVIII. Paragraph F.1., he shall submit a confidential memorandum to the Chief of Police for his consideration.

	Subject: Duty Assignments and Promotion	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 07/01/2020
	Policy: 5.2	Total Pages: 1 Chief Bunch's signature:

PERSONNEL – DUTY ASSIGNMENTS AND PROMOTIONS

I. POLICY

It is the policy of BISD and the Bastrop ISD Police Department to determine duty assignments and promotions of police officers based upon officer capability and the needs of the District for effective and efficient provision of police service. Decisions regarding duty assignments and promotions will be made without consideration of race, gender, age, national origin, or disability (so long as the essential functions of the assignment or position can be achieved with reasonable accommodation). Any discrimination based upon the aforesaid factors is expressly prohibited by BISD.

The Chief of Police or his/her designee will determine shift and duty assignments for all employees of the Police Department in accordance with the goals and policy set forth in this general order.

The BISD School Board creates or abolishes police positions and compensation for those positions. At this time, the positions in the Bastrop ISD Police Department are one (1) Chief of Police, one (1) Sergeant, and nine (9) Police Officers.

The Chief of Police will determine promotions. Promotions will be made only after, and based upon, an interview of the candidate; an assessment of the candidate's prior job performance, an assessment of the candidate's potential for success in the prospective position based upon objective, quantifiable factors.

II. PURPOSE:

To outline minimum duty assignments and promotion procedures.

	Subject: Evaluations	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 04/01/2020
	Policy: 5.3	Total Pages: 3 Chief Bunch's signature:

PERSONNEL - EVALUATIONS

I. POLICY

In order to provide quality police service to BISD, the Department seeks to hire and maintain the best qualified personnel. To that end, the Department regularly and formally evaluates the performance of officers and other employees. The evaluation system discussed herein serves the interests of management, the Department's employees and the citizens served by this Department. The purposes of the evaluation system are to (1) allow fair and impartial personnel decisions; (2) maintain and improve performance; (3) provide a basis and a medium for personnel counseling; (4) assist decisions about the tenure of employees; and (5) identify training needs.

II. PURPOSE

To outline and describe the Departmental evaluation process

III. PROCEDURES

A. General

1. All personnel shall be evaluated using the form located in the appendix to this order.

2. Evaluations reflect observations and perceptions by rating personnel and are, therefore, inherently subjective. Nevertheless, personnel shall be rated according to unacceptable, acceptable or superior behavior. Specific guidelines for rating behavior are found in the appendix to this order.

Each employee shall be evaluated annually, July 1st to June 30th. The evaluations will follow the District's schedule of employees being evaluated in March for the year. To constitute a satisfactory score, an officer must receive an ***overall*** 3.0 (or satisfactory). Officers who fail to receive an overall 3.0 may be placed on probation for a period determined by the Chief of Police. Upon the assignment of an overall score less than 3.0; a deficiency memo will be prepared by the Chief of Police which documents whether the officer will be placed on remedial probation along with valid, objective

and non-discriminatory reasons for that decision. Within the probation period, an officer shall receive remedial training in deficient areas or demonstrate proficiency (or satisfactory improvement) in deficient areas. During a probationary period for remedial training, an officer may receive evaluations weekly or bi-weekly, at the chief's discretion.

3. All evaluations shall be placed in employees' personnel files.

4. All commission Police officers shall be formally evaluated once a year by the Chief of Police.

5. An officer who receives an unsatisfactory mark that the officer perceives to be unjust may protest same to the Chief of Police. The officer concerned must rebut the comments or marks in writing, submitted through the chain of command to the Chief of Police. In any case, final appeal extends to the Superintendent, in writing, through the Chief of Police.

B. Scale Value Appreciation

1. The most difficult task facing the rater is applying the numerical scale that accompanies categories of behavior. Two raters might not apply the same numerical values to the person under evaluation. To reduce such differences, the appendix to this instruction clearly defines what constitutes unacceptable, acceptable, and superior behavior.

2. The philosophy of the evaluation form focuses on observations of demonstrated proficiency in behavior relevant to the job. Proficiency may be demonstrated in a variety of ways:

   a. Performing the behavior in the field;

   b. Performing the behavior in a practical exercise or simulation, accompanied by written or oral testing; and/or

   c. Written or oral testing (for subjects not amenable to field demonstration).

3. Any numerical rating below 3 ***must*** be documented. Deficiencies in behavior must receive precise documentation. For example, an officer might receive a "1" (unsatisfactory) under officer safety. In the comments section, the rater would write, "Officer consistently presents his[/her] gun to traffic violators and approaches stopped vehicles with objects in both hands."

4. The categories of behavior represent key areas of police behavior. The categories are aligned in four subjects: critical performance tasks, knowledge, attitude/relations, and appearance.

C. Evaluation of Supervisors and Civilian Employees

1. Civilian employees shall be evaluated on forms used by BISD for the purpose; civilian employees will be evaluated by their direct supervisor mid-year and the Chief of Police at end of year.

2. Supervisors shall be evaluated using the same form as that for officers. Under "comments" the Chief of Police shall refer to an attached page containing, in a narrative, comments concerning supervisory performance. The chief shall address, at a minimum, the following points:

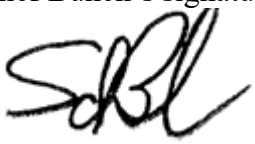
   a. Ability to instill in officers a high regard and respect for the rule of law, civil rights, and concern for victims;

   b. Ability to perceive performance weakness in his/her officers, conduct remedial training and document improved proficiency;

   c. Command of patrol techniques, methods and investigative procedures;

   d. Ability to reprimand, counsel, praise, or otherwise discipline his/her officers; and,

   e. Ability to take responsibility for the performance of his/her officers.

	Subject: Off Duty Employment	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 05/01/2020
	Policy: 5.4 Reference: TBP: 4.05	Total Pages: 3 Chief Bunch's signature: 

Off Duty Employment

I. POLICY

The Chief of Police must ensure the continued efficiency and effectiveness of the Department while simultaneously reducing or eliminating conflicts of interest. To this end, the Chief shall manage according to whatever reasonable controls he/she deems necessary to restrict or regulate the conduct of employees. It is the policy of the Department, therefore, to prohibit off-duty employment of employees when it may impair efficiency or conflict with their duties and responsibilities.

II. PURPOSE: To define regulations governing off-duty employment

III. DEFINITIONS

A. Employment: Any work performed or services provided for compensation, including self-employment.

B. Police related employment: Employment which may entail the use of police powers granted by the State of Texas or BISD.

IV. PROCEDURES (TBP: 4.05)

A. Non-Police-Related Off-Duty Employment: Employment shall not constitute a conflict of interest. A conflict of interest, as determined by the Chief of Police, is any activity inconsistent, incompatible, or in conflict with the duties, functions or responsibilities of employment.

B. Police Related Off-Duty Employment

1. Police related employment shall not exceed 16 hours per day, including on-duty time: e.g., an officer working a 10-hour tour may work six hours of off-duty employment on the same day. An officer on a day off may work 16 hours.

a. For the purpose of computing allowable work time, court appearances constitute on-duty time as does sick leave.

2. Police related off-duty employment is restricted to Bastrop and adjoining Counties. Officers may perform police duties beyond County boundaries if working in conjunction with another jurisdiction's regular law enforcement agency or in circumstances permitted by State law and the general orders of the Bastrop ISD Police Department.

3. Serving as an employment agent and receiving compensation for procurement of police related jobs for other Police Department employees is prohibited.

4. No employee shall solicit any person or business for the purpose of gaining police related off duty employment, and, while on duty, shall not solicit any person or business for the purpose of gaining non-police related off-duty employment.

5. Except for public school security activities and other employment where specifically authorized by the Chief of Police, the following regulations apply:

   a. The police uniform may be worn while engaging in off-duty employment if approved by the Chief of Police.

   b. District-owned vehicles, radio, or other equipment may be used while traveling to and from or engaging in off-duty employment if BISD is compensated for the vehicle while at the off duty employment location and approved by the Chief of Police.

6. Officers, while engaged in police related employment, shall be subject to the orders of the on-duty police supervisor.

C. Administration

1. Employees must submit a written request for approval of all off-duty employment to the Chief of Police. The request shall be maintained in the files of the Chief of Police along with related documents.

   a. The approved request is subject to periodic review by the Chief of Police. Officers shall communicate any changes in information contained on the form to the chief as soon as possible.

b. The Chief of Police may revoke permission to work off duty if the officer fails to perform adequately on duty or receives disciplinary action.

2. Jobs, which the Chief of Police deems unacceptable, e.g., jobs at establishments where 51% or more of the business proceeds are derived from the sale alcoholic beverages, sexually orientated businesses, known criminal organization businesses, or where minimum wages are not met, shall be disapproved. Officers are prohibited from employment by any firm connected with the towing or storage of vehicles, or employment as a bill collector, bodyguard, private investigator, process server or taxi cab driver.

3. Arrests made while engaged in off-duty police related employment shall be limited to felonies or criminal misdemeanors committed in the officer's presence or a breach of the peace jeopardizing public safety.

D. Liability, Indemnification, Insurance

1. All employees who wish permission to engage in police related off-duty employment shall complete the application found at the end of this order. The Chief of Police must grant permission before the employee may work off duty. In addition to the application form, the employee must submit to the Chief of Police a copy of the contract with the off-duty employer. The contract must specify:

a. Precise nature of the work to be performed;

b. Hours or schedule of the work performed;

c. What equipment the employee must maintain; and

d. Insurance coverage of the business providing for medical treatment for job-related injuries and indemnification for litigation arising from off-duty employment.

2. The Department shall not be responsible for medical expenses incurred from injuries sustained while working in any off-duty employment.

3. The Department recognizes that an officer in police related off-duty employment may undertake an action connected with the employment that the courts may construe as a law enforcement duty, and therefore a component of the police job. Officers are reminded that their off-duty performance must follow the same standards required for on-duty performance. Off-duty police actions, whether

for a private employer or not, must comply with these General Orders and applicable law.

	Subject: Qualifications and Duties	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 05/01/2020
	Policy: 5.5	Total Pages: 22 Chief Bunch's signature:

PERSONNEL – QUALIFICATIONS AND DUTIES

I. POLICY:

It is the policy of BISD and the Bastrop ISD Police Department that the following summaries apply to positions in this Department. The summaries in this general order constitute the qualifications and duties of the positions listed.

II. PURPOSE:

To outline and describe the Departmental qualifications and duties

POLICE OFFICER: Job Description

Brief Description

Patrol the District to enforce state, local, and District, laws, rules, and ordinances, and keep order: respond to dispatch calls; and perform special assignments to protect life and property.

A. Qualifications

1. High school educations or GED (12 hours college with GED)
2. Valid Texas Driver License
3. Meet all state legal requirements for holding a peace officer license.
4. Be a licensed peace officer in the State of Texas.
5. Remain in good physical condition in compliance with the physical conditioning standards of the Bastrop ISD Police Department. These standards will be maintained in written form in the office of the Chief of Police and available for review by any employee.

6. Successfully complete a background check as mandated by the Chief of Police.

7. Successful completion of periodic physical conditioning tests as may be scheduled by the Chief of Police.

8. After being hired, officers are required to complete in-house field training and are on probation for one year.

9. Maintain, at a minimum, required training and licensing under regulations promulgated by the Texas Commission for Law Enforcement Officer Standards and Education (TCOLE).

10. After receiving a conditional employment offer, complete a medical examination certifying ability to perform essential job functions, if required.

11. After receiving a conditional employment offer, complete a psychological screening as mandated by the state of Texas, if required.

12. Swear to and sign an appropriate written Oath of office in compliance with State law. The Oath shall be maintained in the officer's personnel file.

B. Duties

1. Respond to police calls from dispatchers: house or business burglary, auto theft, auto accidents, criminal mischief, alarms, domestic violence, assistance to elderly or disabled persons who have accidents in the home; drive to the scene; provide protection or assistance or apprehend suspects.

2. Write police reports when offenses occur which necessitate documentation.

3. Patrol District streets, District property, and school campuses when not on assigned call (drive-by and foot patrol); buildings for burglaries; give traffic citations; serve warrants; assist students, staff, and citizens. (Example: changing a tire or giving directions).

4. Perform miscellaneous duties; attend shift briefings: obtain assignments and equipment; compile reports; appear in court for testimony; communicate with other officers, detectives, district attorney's office about cases; transport detainees.

5. Work in the office.

6. Engage in law enforcement and crime prevention activity as may be directed by the Chief of Police or other supervisor.

7. Comply with all general orders of this Department and with all lawful orders issued by competent authority.

8. Actively engage in patrol duties.

9. Enforce, with appropriate discretion, criminal laws and statutes of BISD, the State of Texas, and the United States of America.

10. Obey all laws and statues and maintain personal standards of behavior and affairs as directed by the Code of Conduct of the Bastrop ISD Police Department.

11. Other duties as may be lawfully assigned from time to time.

C. Physical Demands

This is a description of the way this job is currently performed; it does not address the potential for accommodation.

Physical Demand	**Description**
Sitting	To drive the patrol car; work at a desk; attend meetings; perform other miscellaneous office tasks; appear in court.
Walking/Running	Frequently on concrete or tall grass, mud and water; occasionally on all types of surfaces and terrain, rock or uneven ground, or areas presenting obstacles such as alleys with garbage or debris.
Lifting/Carrying	Light objects including firearms and recovered property. Occasionally: 50-100 lbs. or over 100 lbs., to move victims at the scene of an accident or to assist elderly or disabled persons who have fallen in their homes or elsewhere; 50-100 lbs. for recovered property.
Handling	To restrain suspects; use firearms, files, radio, or equipment; recovery property; change tires; hose and vacuum and to wash vehicles.

Fine Dexterity	To write reports; handle firearms; use radar equipment, siren controls; spotlights; dust for fingerprints, use a computer.
Vision	To observe suspects; drive a patrol car. Visual discrimination required to distinguish and identify suspects clothing, features, and license plates; need good night vision and color perception.
Hearing/Talking	To communicate with officers, school staff, students, suspects, victims, witnesses, District Attorney, court officers and the general public.
Foot Controls	To drive the patrol car.
Standing	To talk to suspects; question witnesses at the crime scene; give citations; provide testimony.
Pushing/Pulling	To move vehicles off the road; pull victims from accident scenes; push open doors or windows; move obstacles and open gates.
Reaching	Varying distances to open or crawl through windows; at times to reach into vehicles to assist accident victims, to obtain equipment; check inventory in vehicles and reach shotgun in the vehicle.
Kneeling/Crouching	The nature of police work is such that all types of body positions
Crawling/Twisting	Are assumed to varying degrees; depending on the shift bending work and the nature of the calls, the officer may be required to assume positions of kneeling, crouching, crawling, bending or twisting in order to: - Chase and apprehend a suspect in a narrow, small, or cramped space. - Handcuff or restrain a suspect who is attempting to flee, particularly a suspect who has to be brought to the ground and searched. - Maneuver around, through or under various kinds of obstacles. - Assist an elderly or disabled person onto a bed or chair from the floor.

- Extract an accident victim from a vehicle.
- Move vehicles or assist stranded motorists.

Climbing — To go up on roofs; climb stairs in apartment complexes or other buildings; climb ladders to apprehend a suspect or assist in a rescue; jump or climb over fences or other obstacles in a chase.

D. Machines, Tools, Equipment and Work Aids

All emergency equipment on vehicles; various types of restraints and weapons, including handcuffs, firearms and less than lethal weapons: office equipment such as computers, typewriters, calculators, communication equipment such as radio consoles and mobile radios, camera and binoculars, flares, fire extinguishers, rolling tape measures and other measuring tapes, fingerprinting kit and first aid equipment and material.

E. Environmental Factors

Exposure to extreme temperatures and smoke in fires, heat and humidity working outside for long periods in the summer; freezing conditions in the winter; occasional to frequent risk of physical abuse of wounds; noise exposure during firearms practice or training and rare exposure to caustic substances from chemical releases.

F. Protective Equipment Required

Goggles, ear protection and soft body armor (bullet resistant vest).

G. Reading

Law books, legal decisions, District laws and ordinances, map information, memorandums and instructions, department policies and procedures, schedules, case reports, criminal activity information sheets, driver's licenses and general correspondence.

H. Writing

Technical reports including details and observations of accident or crime scenes, citations, incident reports, clear sentence structure and accurate spelling.

I. Math

Basic math, four function math skills, plus percent calculations with regard to accident reconstruction and accurate measurements.

J. Reasoning

Quickly analyze complex information in emergency or dangerous situations and make decisions of a life or death nature, analyze crime at an accident scene to reconstruct events and causes.

K. Supervisory

Field training of new officers and part time employees, (monitors, crosswalk guard, etc.)

L. Managerial

Use organizational skill and judgment to handle a variety of duties at once, determine those of most pressing nature and set priorities, organize time and materials.

M. Interpersonal

Deal with irate, hysterical, aggressive and abusive individuals; make attempts to verbally calm them; explain laws, legal procedures, legal rights and processes to victims, suspects, witnesses, and the public; communicate with other officers, district attorney's office, court officials and other law enforcement agencies.

POLICE SUPERVISOR: Job Description (Corporal and Sergeant)

Brief Description

Due to the size of the police department, the supervisor's position will include all job functions of the patrol officer. This will also include direct supervision of patrol officers on duty and during call out. This also includes management of difficult situations in the field.

A. Qualifications

1. Meet all qualifications, standards, demands and duties for the position of police officer.

2. At minimum, hold an Advance higher certificate from TCOLE.

3. Successfully complete all training required of supervisory personnel by current TCOLE regulations.

4. Demonstrate an ability to effectively lead and supervise, both by actions and example, police officers and police personnel.

B. Duties

1. Police supervisors will routinely be expected to perform all duties expected of code enforcement, police officers and Detectives.

2. Provide effective and quality first line supervision of police officers, reserves and crossing guards.

3. Complete personnel evaluations of all employees under the sergeant's supervision in the time and manner required by Department General Orders.

4. Effectively and efficiently attend to administrative matters, which, from time to time, may be assigned by the Chief of Police.

5. Provide direct supervision to officers on duty; supervise, monitor and assist officers. Observe other officers, make notes of officer behavior requiring later reprimand or training.

6. Review and approve reports, assist in shift assignments, maintain departmental discipline and report findings to the Lieutenant. Conduct performance evaluations of officers and supervise field investigations.

7. Perform daily preparations; assign duties for the day, disseminate information to officers, issue equipment and keys and answer citizen complaints.

8. Assist in difficult calls and coordinate any situation requiring several officers or supervisory intervention.

9. Follow-up on own cases, see that officers follow-up on cases initially investigated and give advice on follow-up activity. Promote public relations and monitor public relations with patrol officers. Report safety violations and monitor crime prevention situations throughout the District.

10. Make reports to the Chief of Police. May be assigned special duties such as Evidence Officer, K-9 handler, Narcotics, field ID or other.

C. Physical Demands

This is a description of the way this job is currently performed; it does not address the potential for accommodation.

Physical Demand	Description
Sitting	To drive the patrol car; work at a desk; attend meetings; perform other miscellaneous office tasks and appear in court.
Walking/Running	Frequently on concrete or tall grass, mud and water; occasionally on all types of surfaces and terrain, rock or uneven ground, or areas presenting obstacles such as alleys with garbage or debris.
Lifting/Carrying	Light objects including firearms and recovered property. Occasionally: 50-100 lbs. or over 100 lbs., to move victims at the scene of an accident or to assist elderly or disabled persons who have fallen in their homes or elsewhere; 50-100 lbs. for recovered property.
Handling	To restrain suspects; use firearms, files, radio, or equipment; recovery property; change tires; hose and vacuum and to wash vehicles.
Fine Dexterity	To write reports; handle firearms; use radar equipment, siren controls; spotlights; dust for fingerprints and use a computer.
Vision	To observer suspects; drive a patrol car. Visual discrimination required to distinguish and identify suspects clothing, features, and license plates; need good night vision and color perception.
Hearing/Talking	To communicate with officers, suspects, victims, witnesses, District Attorney, court officers and the general public.
Foot Controls	To drive the patrol car.
Standing	To talk to suspects; question witnesses at the crime scene; give citations; provide testimony.
Pushing/Pulling	To move vehicles off the road; pull victims from accident scenes; push open doors or windows; move obstacles and open gates.

Reaching	Varying distances to open or crawl through windows; at times to reach into vehicles to assist accident victims, to obtain equipment; check inventory in vehicles and reach shotgun in the vehicle.
Kneeling/Crouching	The nature of police work is such that all types of body positions
Crawling/Twisting	Depending on the shift worked and the nature of the calls, the officer may be required to assume positions of kneeling, crouching, crawling, bending or twisting in order to: - Chase and apprehend a suspect in a narrow, small, or cramped space. - Handcuff or restrain a suspect who is attempting to flee, particularly a suspect who has to be brought to the ground and searched. - Maneuver around, through or under various kinds of obstacles. - Assist an elderly or disabled person onto a bed or chair from the floor. - Extract an accident victim from a vehicle. - Move vehicles or assist stranded motorist.
Climbing	To go up on roofs; climb stairs in apartment complexes or other buildings; climb ladders to apprehend a suspect or assist in a rescue; jump or climb over fences or other obstacles in a chase.

D. Machines, Tools, Equipment and Work Aids

All emergency equipment on vehicles; various types of restraints and weapons, including handcuffs, firearms and less than lethal weapons: office equipment such as computers, typewriters, calculators, communication equipment such as radio consoles and mobile radios, camera and binoculars, flares, fire extinguishers, rolling tape measures and other measuring tapes, fingerprinting kit and first aid equipment and material.

E. Environmental Factors

Exposure to extreme temperatures and smoke in fires, heat and humidity working outside for long periods in the summer; freezing conditions in the winter; occasional to frequent risk of physical abuse of wounds; noise

exposure during firearms practice or training and rare exposure to caustic substances from chemical releases.

F. Protective Equipment Required

Goggles, ear protection and soft body armor (bullet resistant vest).

H. Reading

Law books, legal decisions, District laws and ordinances, map information, memorandums and instructions, department policies and procedures, schedules, case reports, criminal activity information sheets, driver's licenses and general correspondence.

I. Writing

Technical reports including details and observations of accident or crime scenes, citations, incident reports, clear sentence structure and accurate spelling.

J. Math

Basic math, four function math skills, plus percent calculations with regard to accident reconstruction and accurate measurements.

K. Reasoning

Quickly analyze complex information in emergency or dangerous situations and make decisions of a life or death nature, analyze crime at an accident scene to reconstruct events and causes.

L. Supervisory

Field training of new officers and part time employees (monitors, crosswalk guard, etc.)

M. Managerial

Use organizational skill and judgment to handle a variety of duties at once, determine those of most pressing nature and set priorities, and organize time and materials.

N. Interpersonal

Deal with irate, hysterical, aggressive and abusive individuals; make attempts to verbally calm them; explain laws, legal procedures, legal rights and processes to victims, suspects, witnesses, and the public; communicate with other officers, district attorney's office, court officials and other law enforcement agencies.

DETECTIVE: Job Description

Brief Description

Due to the size of the police department, the detective's position will include all job functions of the patrol officer. This will also include direct supervision of all officers at a crime scene, the investigation and preparation of all criminal cases along with the training of all personnel.

A. Qualifications

1. Meet all qualifications, standards, demands and duties for the position of police officer.

2. Hold an Advance or higher certificate from TCOLE.

3. Successfully complete all training required by the Department.

4. Demonstrate an ability to effectively lead and supervise, both by actions and example, police officers and police personnel.

5. Effectively and efficiently able to investigate any crime scene and the use of all crime scene equipment.

B. Duties

1. Detectives will routinely be expected to perform all duties expected of Police Officers.

2. Provide effective and quality first line supervision of police officers at any crime scene.

3. Interview witnesses, Interrogate suspects, Process Crime Scenes, Collection and Preservation of Evidence, Legal charging and Court Testimony.

4. Effectively and efficiently investigate all crimes and offenses, regardless of the offender's age or the nature of the crime which occur within the Department's jurisdiction.

5. Review all cases taken by this Department, verifying the following: completeness, accuracy and seeing that all the elements and requirements of the law have been met for each case, it will then be determined which cases warrant further follow-up investigation.

6. Perform follow-ups on criminal cases filed by all Officers of this Department and ensure that all witnesses and evidence required to prosecute cases are present.

7. Present completed cases to the prosecutor.

8. Follow-up on own cases, see that officers follow-up on cases initially investigated and give advice on follow-up activity. Promote public relations and monitor public relations with patrol officers. Report safety violations and monitor crime prevention situations throughout the District.

9. Make reports to the Chief of Police. May be assigned special duties such as Evidence Officer, K-9 handler, Narcotics, field ID or other.

C. Physical Demands

This is a description of the way this job is currently performed; it does not address the potential for accommodation.

Physical Demand	**Description**
Sitting	To drive the patrol car; work at a desk; attend meetings; perform other miscellaneous office tasks and appear in court.
Walking/Running	Frequently on concrete or tall grass, mud and water; occasionally on all types of surfaces and terrain, rock or uneven ground, or areas presenting obstacles such as alleys with garbage or debris.
Lifting/Carrying	Light objects including firearms and recovered property. Occasionally: 50-100 lbs. or over 100 lbs., to move victims at the scene of an accident or to assist elderly or disabled persons who have fallen in their homes or elsewhere; 50-100 lbs. for recovered property such as TV's.

Handling	To restrain suspects; use firearms, files, radio, or equipment; recovery property; change tires; hose and vacuum and to wash vehicles.
Fine Dexterity	To write reports; handle firearms; use radar equipment, siren controls; spotlights; dust for fingerprints and use a computer.
Vision	To observer suspects; drive a patrol car. Visual discrimination required to distinguish and identify suspects clothing, features, and license plates; need good night vision and color perception.
Hearing/Talking	To communicate with officers, suspects, victims, witnesses, District Attorney, court officers and the general public.
Foot Controls	To drive the patrol car.
Standing	To talk to suspects; question witnesses at the crime scene; give citations; provide testimony and serve as a court bailiff.
Pushing/Pulling	To move vehicles off the road; pull victims from accident scenes; push open doors or windows; move obstacles and open gates.
Reaching	Varying distances to open or crawl through windows; at times to reach into vehicles to assist accident victims, to obtain equipment; check inventory in vehicles and reach shotgun in the vehicle.
Kneeling/Crouching	The nature of police work is such that all types of body positions
Crawling/Twisting	Depending on bending, the shift worked and the nature of the calls, the officer may be required to assume positions of kneeling, crouching, crawling, bending or twisting in order to:

- Chase and apprehend a suspect in a narrow, small or cramped space.
- Handcuff or restrain a suspect who is attempting to flee particularly a
- Suspect who has to be brought to the ground and searched.
- Maneuver around, through or under various kinds of obstacles.
- Assist an elderly or disabled person onto a bed or chair from the floor.
- Extract an accident victim from a vehicle.
- Move vehicles or assist stranded motorists.

Climbing — To go up on roofs; climb stairs in apartment complexes or other buildings; climb ladders to apprehend a suspect or assist in a rescue; jump or climb over fences or other obstacles in a chase.

D. Machines, Tools, Equipment and Work Aids

All emergency equipment on vehicles; various types of restraints and weapons, including handcuffs, firearms and less than lethal weapons: office equipment such as computers, typewriters, calculators, communication equipment such as radio consoles and mobile radios, camera and binoculars, flares, fire extinguishers, rolling tape measures and other measuring tapes, fingerprinting kit and first aid equipment.

E. Environmental Factors

Exposure to extreme temperatures and smoke in fires, heat and humidity working outside for long periods in the summer; freezing conditions in the winter; occasional to frequent risk of physical abuse of wounds; noise exposure during firearms practice or training and rare exposure to caustic substances from chemical releases.

F. Protective Equipment Required

Goggles, ear protection and soft body armor (bullet resistant vest).

G. Reading

Law books, legal decisions, District laws and ordinances, map information, memorandums and instructions, department policies and procedures,

schedules, case reports, criminal activity information sheets, driver's licenses and general correspondence.

H. Writing

Technical reports including details and observations of accident or crime scenes, citations, incident reports, clear sentence structure and accurate spelling.

I. Math

Basic math, four function math skills, plus percent calculations with regard to accident reconstruction and accurate measurements.

J. Reasoning

Quickly analyze complex information in emergency or dangerous situations and make decisions of a life or death nature, analyze crime at an accident scene to reconstruct events and causes.

K. Supervisory

Supervise all commissioned officers on shift responsible for duty assignments and all other part-time employees at a crime scene. Field training of new police officers.

L. Managerial

Use organizational skill and judgment to handle a variety of duties at once, determine those of most pressing nature and set priorities, organize time and materials.

M. Interpersonal

Deal with irate, hysterical, aggressive and abusive individuals; make attempts to verbally calm them; explain laws, legal procedures, legal rights and processes to victims, suspects, witnesses, and the public; communicate with other officers, district attorney's office, court officials and other law enforcement agencies.

Lieutenant: Job Description

A. Brief Description

Subject to the provisions of BISD rules, Codes, Policies and Procedures, and under the general direction of the Chief of Police, assists in planning, directing,

coordinating, staffing, and organizing the programs, projects, activities of the police department, and enforcement of the law and the preservation of life and property; carries out the statutory duties of the Lieutenant, performs related work as required.

Directly supervises the work of sworn personnel, non-sworn, mid-managers, and other persons as required, and, in the absence of the Chief of Police, of the entire Police Department.

This is a sworn leadership position in the police department and works under the direction of the Police Chief. The Assistant Police Chief is responsible for the overall daily operation of any one or all of the Divisions or special assignments. The Lieutenant acts as the Chief of Police in his/her absence. The Lieutenant will be in charge of Records, Administrative Services, Evidence/Property, Patrol, Investigations, campus monitors, night security staff, and other persons or units as assigned.

The Lieutenant must demonstrate strong ethical, professional, and service oriented leadership and interpersonal skills; commands the respect of, and sets a good example for, his/her supervisors, peers, and subordinates; understands, accepts, and correctly applies the tenets of the department's philosophy and values; and the District's Code of Ethics and Values; has established and maintains a good rapport with other BISD departments and Department Heads; exercises good independent judgment and discretion; manages and directs employees as required; formulates and oversees administrative policy for the effective use of assigned personnel and budgets; and consistently demonstrates a willingness to cooperate with the remainder of the management team, other members of the department and other BISD officials.

B. **Qualifications**

- The Lieutenant will meet all qualifications, duties and demands applicable to police sergeants, Detective and police officers.
- Minimum of ten year’s full-time law enforcement experience.
- Will hold an advanced certificate or higher from TCOLE.
- Will meet all training requirements in a timely manner as may be required by TCOLE.

B. **Duties**

- Will act under the direct supervision of the Chief of Police.
- Will maintain effective and cordial relations to foster cooperation with other law enforcement agencies and area governmental entities.

- Will keep abreast of legal and other developments, which impact the effective delivery of police service within BISD.

- Will attend BISD School Board meetings and will report to the School Board on the operations of the Police Department upon request.

- Will maintain the records of the Bastrop ISD Police Department under the direct supervision of Chief of Police.

- Will ensure that all hiring, personnel and training requirements of these general orders and BISD are complied with by all employees of the Police Department.

- Will make recommendations to the Chief of Police regarding personnel matters, training, budget and operations of the Bastrop ISD Police Department.

- Effectively administer and supervise all employees of the Police Department including the preparation of employee evaluations.

- Provide overall supervision of patrol officers, monitor and supervise field investigations. Observe all officers and enforce departmental policies procedures.

- Review and approve reports, assist in shift assignments, maintain departmental discipline and report findings to the Chief of Police. Conduct performance evaluations of officers. Manage and supervise investigations.

- Perform daily preparations; assign duties for the day, disseminate information to officers, issue equipment and keys; answer and investigate citizen complaints and complaints against officers.

- Assist in difficult calls, coordinate any situation requiring several officers or supervisory intervention direct supervision of the sergeant.

- Follow-up on all cases and investigations, see that officers follow-up on cases initially investigated and give advice on follow-up activity. Promote public relations and monitor public relations with patrol officers. Report safety violations and monitor crime prevention situations throughout the District.

- Make reports to the Chief of Police. File cases with the District Attorney and present cases at grand jury. Supervise evidence handling and disposition. Assist in all departmental training. Involved in officer discipline and reprimand.

C. Physical Demands

This is a description of the way this job is currently performed; it does not address the potential for accommodation.

Physical Demand	Description
Sitting	To drive the patrol car; work at a desk; attend meetings; perform other miscellaneous office tasks and appear in court.
Walking/Running	Frequently on concrete or tall grass, mud and water; occasionally on all types of surfaces and terrain, rock or uneven ground, or areas presenting obstacles such as alleys with garbage or debris.
Lifting/Carrying	Light objects including firearms and recovered property. Occasionally: 50-100 lbs. or over 100 lbs., to move victims at the scene of an accident or to assist elderly or disabled persons who have fallen in their homes or elsewhere; 50-100 lbs. for recovered property such as TV's.
Handling	To restrain suspects; use firearms, files, radio, or equipment; recovery property; change tires; hose and vacuum and to wash vehicles.
Fine Dexterity	To write reports; handle firearms; use radar equipment, siren controls; spotlights; dust for fingerprints and use a computer.
Vision	To observe suspects; drive a patrol car. Visual discrimination required to distinguish and identify suspects clothing, features, and license plates;

	need good night vision and color perception.
Hearing/Talking	To communicate with officers, suspects, victims, witnesses, District Attorney, court officers and the general public.
Foot Controls	To drive the patrol car.
Standing	To talk to suspects; question witnesses at the crime scene; give citations; provide testimony and serve as a court bailiff.
Pushing/Pulling	To move vehicles off the road; pull victims from accident scenes; push open doors or windows; move obstacles and open gates.
Reaching	Open or crawl through windows; at times to reach into vehicles to assist accident victims, to obtain equipment; check inventory in vehicles and reach shotgun in the vehicle.
Kneeling/Crouching/	The nature of police work is such that all types of body positions
Crawling/Bending	Depending on the shift worked and nature of the calls, the officer may be required to assume positions of kneeling, crouching, crawling, bending or twisting in order to: - Chase and apprehend a suspect in a narrow, small, or cramped space. - Handcuff or restrain a suspect who is attempting to flee, particularly a suspect who has to be brought to the ground and searched. - Maneuver around, through, or under various kinds of obstacles.

	- Assist an elderly or disabled person onto a bed or chair from the floor. - Extract an accident victim from a vehicle. - Move vehicles or assist stranded motorists.
Climbing	To go up on roofs; climb stairs in apartment complexes or other buildings; climb ladders to apprehend a suspect or assist in a rescue; jump or climb over fences or other obstacles in a chase.

D. Machines, Tools, Equipment and Work Aids

All emergency equipment on vehicles; various types of restraints and weapons, including handcuffs, firearms and ASP (extendable baton): office equipment such as computers, typewriters, calculators, communication equipment such as radio consoles and mobile radios, camera and binoculars, flares, fire extinguishers, rolling tape measures and other measuring tapes, fingerprinting kit and first aid equipment.

E. Environmental Factors

Exposure to extreme temperatures and smoke in fires, heat and humidity working outside for long periods in the summer; freezing conditions in the winter; occasional to frequent risk of physical abuse of wounds; noise exposure during firearms practice or training and rare exposure to caustic substances from chemical releases.

F. Protective Equipment Required

Goggles, ear protection and soft body armor (bullet resistant vest).

G. Reading

Law books, legal decisions, District laws and ordinances, map information, memorandums and instructions, department policies and procedures, schedules, case reports, criminal activity information sheets, driver's licenses and general correspondence.

H. Writing

Technical reports including details and observations of accident or crime scenes, citations, incident reports, clear sentence structure and accurate spelling.

I. Math

Basic math, four function math skills, plus percent calculations with regard to accident reconstruction and accurate measurements.

J. Reasoning

Quickly analyze complex information in emergency or dangerous situations and make decisions of a life or death nature, analyze crime at an accident scene to reconstruct events and causes.

K. Supervisory

Supervise officers and direct investigative functions. Training of new police officers. Supervise all police department personnel.

L. Managerial

Use organizational skill and judgment to handle a variety of duties at once, determine those of most pressing nature and set priorities, organize time and materials.

M. Interpersonal

Deal with irate, hysterical, aggressive and abusive individuals; make attempts to verbally calm them; explain laws, legal procedures, legal rights and processes to victims, suspects, witnesses, and the public; communicate with other officers, district attorney's office, court officials and other law enforcement agencies.

CHIEF OF POLICE: Job Description

Brief Description

Administration of the Police Department and its operations.

A. Qualifications

1. The Police Chief will meet all qualifications applicable to the Lieutenant.

2. Will hold a master certificate from TCOLE.

3. Will meet all training requirements in a timely manner as may be required by TCOLE.

B. Duties

1. Will act under the direct supervision of the Superintendent.

2. Will maintain effective and cordial relations to foster cooperation With other law enforcement agencies and area governmental entities.

3. Will keep abreast of legal and other developments, which impact the effective delivery of police service in the District.

4. Will attend School Board meetings and will report to the School Board on the operations of the Police Department upon request.

7. Will maintain the records of the Bastrop ISD Police Department under the direct supervision of the Superintendent.

8. Will ensure that all hiring, personnel and training requirements of These general orders and the District are complied with by all Employees of the Police Department.

9. Will make recommendations to the Superintendent and School Board regarding personnel matters, training, budget and operations of the Bastrop ISD Police Department.

10. It is the express statement of the BISD School Board that the Chief of Police shall ***not*** have final policy making authority for BISD on any subject or issue.

11. Effectively administer and supervise all employees of the Police Department including the preparation of employee evaluations for Lieutenant and review and approval of all other evaluations.

	Subject: Hiring and Selection of Personnel	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 04/01/2020
	Policy: 5.6 Reference: TBP: 2.23, 3.17, 4.01, 4.02, 4.03, 4.04	Total Pages: 8

Hiring and Selection of Personnel

I. POLICY

The Bastrop ISD 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 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 order is to outline minimum hiring requirements and 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/her value to the department and the goals of community-oriented policing which include honesty, integrity, truthfulness, obedience to the oath of office and the 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 graduate or GED.

3. Pass a background investigation which 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 and

   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 ex-spouses.

4. Pass an oral interview.

5. Be of good moral character.

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

6. 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.

1. Conviction or admission of any felony.

2. Conviction of any Class A or B misdemeanor in the past 10 years.

3. Conviction or admission of any illegal drug use within the past 5 years, or use of marijuana within the past two years.

4. Conviction of family violence within the past 10 years.

5. Dishonorable or general discharge from the military.

VI. APPLICATION PROCESS FOR SWORN

A. The applicant must complete the following:

1. Complete a written BISD application and personal history statement and submit it to the Chief of Police. Copies of the following documents will also be submitted:

a. Birth Certificate

b. Driver's License

c. High School Diploma or transcript, or GED certificate.

d. Any college transcripts

e. Copy of military discharge papers

VII. SELECTION PROCESS FOR SWORN (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 interviews. If no opening exists, the application may be placed in a file for six months to await an opening. When an opening occurs, the applicant may be contacted to determine if they are 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. The interview board consists of a sergeant and two or more other departmental members. The candidate is graded on a Candidate Interview Evaluation Form and scored based on the interview and overall qualifications.

    6. Those passing the interview will then be considered for further review and background investigation. The applicant’s packages will be forwarded to the Chief for offering employment.

C. The Chief of Police will review the application of the candidate who best meets the need of the department. If the Chief approves, he/she will make a recommendation to hire to HR. The recommendation to hire is conditional upon passing:

    1. An in-depth background investigation

D. After a conditional offer of employment is made, the officer assigned to conduct the background investigation may question the applicant regarding his/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 and/or experience in conducting background investigations or shall conduct the background in compliance with the Background Investigation Manual. The background shall specifically include contact with all former law enforcement employers. (TBP: 3.17)

F. Upon completion of all testing and the background investigation, the applicants file will be returned to the Chief of Police for the final decision.

G. 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/her that the Conditional Offer of Employment has been withdrawn and the reason stated plainly.

H. Unsuccessful applicants, that do not have permanent disqualifiers, may re-apply if a vacancy exists.

I. Lateral entry.

1. A licensed officer from another Texas agency must meet the same criteria set forth above.

2. The employee assigned to investigate the applicant shall ensure that an applicant with prior law enforcement experience has not had his/her licenses suspended or revoked. A query will be made to the Texas Commission on Law Enforcement to determine all other agencies where the licensee has worked. These agencies will be contacted before completion of the background to determine work history and any significant details of their employment.

VIII. APPLICATION PROCESS FOR NON-SWORN

A. The applicant must complete the following for all positions within the Police Department:

1. Complete a written BISD application and personal history statement and submit it to the Chief of Police. Copies of the following documents will also be submitted:

a. Birth Certificate

b. Driver's License

c. High School Diploma or transcript, or GED certificate.

d. Any college transcripts

e. Copy of military discharge papers

2. Arrange with the Chief of Police to take any written test if required and appear for other selection process steps.

IX. SELECTION PROCESS FOR NON-SWORN (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 to await an opening. When an opening occurs, the applicant may be contacted to determine if they are 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 as follows:

a. Communications Dispatcher – Typing Test.

C. The Chief of Police will meet with the applicant who best meets the need of the department and conducts 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 passing:

1. A background investigation

D. 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)

E. Upon completion of all testing and the background investigation, the applicants file will be returned to the Chief of Police for the final decision.

F. 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/her that the Conditional Offer of Employment has been withdrawn and the reason stated plainly.

X. 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 is sealed in an envelope in this file and is confidential. All TCOLE required documents are maintained in this file. (TBP: 2.23, 4.04)

B. The Executive Assistant to the Chief of Police maintains and controls all personnel records. The department complies with the records retention schedule set by state law and BISD 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 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.

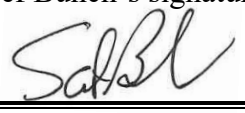
H. All records of unsuccessful applicants shall be maintained, including all test results, in a confidential file by the Chief of Police. These records are releasable to other law enforcement agencies when requested and a properly executed release form is obtained from the subject of the records. (TBP: 4.04)

I. Photographs of Sworn Officers shall not be released by the department to any organization or media outlet nor shall it be posted on any department website or in a publicly displayed department yearbook or photograph. Unless the officer has given his/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's photograph is introduced in judicial proceedings.

    3. 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.

	Subject: Training	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 04/01/2020
	Policy: 5.7 Reference: TBP: 1.09, 3.05, TBP: 3.06, 3.07, 3.09, and 8.11	Total Pages: 6 Chief Bunch's signature: 

Training

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 Bastrop ISD Police Department is committed to providing the training necessary to meet and exceed State requirements and contribute to employee's career goals.

II. PURPOSE

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 training required for licensing, all sworn officers and others will complete the National Incident Management System training, appropriate for their rank, prior to completion of field training or prior to completion of promotional probation in the event of promotion to a higher rank. (TBP: 8.11)

B. Field Training

1. All sworn members of the Department are required to complete the department's Field Training Program as outlined in Policy 5.8 within the time period specified.

2. Officers with prior experience may qualify for an 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:

   a. A review of changes or revisions in the 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 (if applicable).

   e. Policies and procedures.

   f. Firearms training and qualifications.

2. Sworn personnel are responsible for obtaining 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. Much of the required training can be obtained on-line from the Commission website.

3. Other 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. Records personnel or personnel assigned to records processing will complete a course in State Open Records and Records Retention within 90 days of hire.

3. Any other non-sworn personnel who have state required or job specific training will be provided that training either prior to job assignment or within 90 days of assignment.

IV. TRAINING EXPECTATIONS

A. Attendance

Personnel are expected to attend any assigned training programs. Attendance will be documented either by the instructor or in cases where the training is at location other than the department, documentation will be furnished by those responsible for the training. There are cases where 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

Department personnel will be provided funds, prior to attending scheduled classes. The disbursed funds will be based on the per diem rates for BISD where the class is being held.

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 which:

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 designee, with a copy of the lesson plan for approval before each class. 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, relationships 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:

    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-play).

C. Instructors

1. Instructors for all department training programs shall:

   a. Have a minimum of two years law-enforcement experience, and

   b. Have completed a TCOLE instructor's course and be certified as an instructor, and

   c. Possess a demonstrated skill in an area of instruction, and

   d. Be knowledgeable of teaching theories and methods, as well as knowledge of law-enforcement practices.

2. Instructors enlisted from outside the department shall be approved by the Chief or 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 receive, at a minimum, training in:

   a. Lesson plan development.

   b. Development of performance objectives.

   c. Instructional techniques.

   d. Learning theory.

   e. Testing and evaluation techniques.

   f. Resources.

VI. REMEDIAL TRAINING

A. Remedial training is directed at solving or curing 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 which includes:

    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 members of the department that have a current and active PID number through TCOLE.

2. The Chief, or designee, shall maintain files on all in-house training courses or presentations, including:

    a. Course content (lesson plans).

    b. Personnel attending.

    c. Any performance measures as ascertained through tests or demonstrations.

	Subject: Field Training	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 11/30/2015
	Policy: 5.8 Reference: TBP: 3.12a, 3.12b, 3.12c, 3.12d, 3.12e, 3.13, 3.14, 3.15, and 3.16	Total Pages: 4 Chief Bunch's signature:

Field Training

I. POLICY

It is the policy of the Bastrop ISD Police Department that all employees receive such training as mandated by the State and adequate additional instruction in all areas required for the proper performance of their specific job tasks.

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 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 order is to define the procedures to be used in the Field Training Program.

III. PROCEDURES

A. Organization and Administration

The authority and responsibility for the initial training of sworn officers shall be vested in the Field Training Program Supervisor of the Bastrop ISD Police Department.

B. Field Training Program Requirements

1. Newly hired officers, after successful completion of the basic police academy are required to complete the Field Training Program prior to being released for full field duty. (TBP: 3.12c)

2. The eleven (11) week training period for new officers shall be divided into four 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 – One (1) weeks minimum

    b. Phase II – Two (2) weeks minimum

    c. Phase III – Four (4) weeks minimum

    d. Phase IV – Four (4) weeks minimum

    e. Following the successful completion of the eleven (11) week Field Training Program, qualified officers shall be evaluated weekly for an additional six (6) 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 as 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 Bastrop ISD 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 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, as indicated in the FTO evaluations.

6. New employees shall be informed of the activities and actions involved in the accreditation process as part of their orientation period with the department.

7. The Field Training Supervisor will maintain communication with the FTO's for the purpose of assisting with training problems and for conducting end of phase evaluations at the termination of each of the four training phases. The Field Training Supervisor will maintain responsibility of the training files containing 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 a minimum of 640 hours of field training divided into the four (4) phases. This minimum 640 hour four (4) phase 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 minimum 640 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 Training. All officers assigned as FTO's will successfully complete an approved training program that meets TCOLE standards prior to receiving assignment as an FTO. All officers assigned as FTO’s will receive FTO orientation training conducted by the Field Training Supervisor. (TBP: 3.13)

3. FTO's' training effectiveness 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 Officer's 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.

	Subject: FTO Program	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 06/01/2020
	Policy: 5.9	Total Pages: 12 Chief Bunch's signature: 

FTO Program

I. Policy

It is the policy of the Bastrop ISD Police Department that the Field Training Program is an extension of the law enforcement selection process combining on-the-job training with objective performance assessment to insure that the standards of a competent law enforcement officer are met by:

A. Establishing a probationary officer appraisal process. This process is designed to provide a valid, job related, post Basic Training Academy evaluation of the Probationary Officer's performance utilizing standardized and systematic approaches to job/task performance documentation. Specific documentation of performance serves as the main criteria for the retention or termination of the probationary officer.

B. Improving the Probationary Officer training process. The process provides on-the-job, post Basic Academy instruction. Field Training Officers serve as mentors and role models for the Probationary Officer. The intent is to expedite the application of knowledge, skills and abilities to the Department and Community expectations for quality law enforcement service. The uniformity of the Field Training process assists in bringing the Probationary Officer up-to-speed to certify for solo patrol operations.

C. Establishing career opportunities within the Department. The Field Training Process provides another career path of job enrichment and responsibility within the Police Department. It provides incentive for the demonstration of proficiency in the knowledge, skills and abilities needed to perform patrol functions. While performing the duties of the Field Training Officer (FTO), the officer gains experience and knowledge that increases his/her leadership/evaluation skills and enhances career opportunities.

II. Mission

The mission of the Bastrop ISD Police Department Field Training Program is to continually enhance the professionalism of law enforcement in serving the community, improve the overall effectiveness and efficiency of law enforcement service. This policy has been developed to support this mission.

The Field Training Program is a complex management system with the goal of improving the department's overall effectiveness and efficiency. The program enhances the overall Probationary Employee's screening process with daily on-the-job observation.

This program is intended to ease a peace officer's transition from the academic setting to the performance of general law enforcement patrol duties of the department. Although an officer graduating from the Basic Peace Officer academy has received a thorough introduction to basic law enforcement subjects, that officer cannot be expected to immediately function as an experienced officer. Newly assigned officers must receive additional training in the field, where they can learn from officers who have already gained a great deal of practical patrol experience. This program introduces a newly assigned officer to the personnel, procedure, policies, and purposes of the department as well as providing the initial formal and informal training specific to the day-to-day duties of its officers.

In order to make the new officers' field training as effective as possible, they are assigned to a Field Training Officer. The Field Training Officer is an experienced officer especially selected and trained to conduct this type of training. It is the responsibility of the Field Training Officer to thoroughly review the field training guide materials with the newly assigned officer and to demonstrate proper patrol procedures. Probationary officers will be required to perform various law enforcement duties under the guidance and supervision of their assigned Field Training Officer and Field Training Supervisor. The student's performance will be evaluated daily by the Field Training Officer. Field training has a significant impact on the individual in terms of imprinting attitudes, style, values and ethics in carrying out the duties of police work that will remain throughout a career.

The Field Training Officer and Supervisor must be certain that the field training program which introduces officers to the department not only develops the necessary technical skills but also reflects the policing philosophy of the department and the community that it serves.

The field training staff has the monumental responsibility of building the future of the department through the people they train. To assure success in this task, the field training program must have a training philosophy that ensures that every student is given the maximum opportunity to show that he or she can do the job. In order to accomplish this, the program must create a positive environment in which learning is maximized and in which students are able to perform to the best

of their ability. The approach must be fair, firm, friendly and above all, professional. The example set must be beyond reproach. Evaluation must be sincere and given in a straightforward manner emphasizing the positive as well as the negative aspects of performance.

The agency administrator and field training program staff have a responsibility to the community they serve. Their responsibility requires that the department trains and retains only the most competent proactive officers. If the field training staff has done all it can and the student does not meet the acceptable standards, the department will have demonstrable grounds to terminate the Probationary Officer. Supreme dedication and patience is required to accomplish the field training task.

III. Purpose

The first few days in the field training program are the most critical form the standpoint of learning a development. It is during this period that the attitude and behavior patterns are established. This is also the time when the Probationary Officer learns what is expected during training and during their career. The Probationary Officers expect to be challenged and they expect to the properly trained.

The purpose of this policy is to provide officers of the Bastrop ISD Police Department with guidelines in the organization and operation of the Field Training Program developed to train officers newly appointed to this department, regardless of past or previous experience.

IV. Organization

A. Field Training Supervisor

1. Responsible for the overall administration of the Field Training Process.

2. Shall coordinate, when appropriate, the preparation of a report of probationary officer's development to date and submit it to the Chief of Police with a recommendation to retain, extend training, or terminate the probationary officer.

3. Shall prepare and present reports of probationary officer development/status and make it available to the Chief of Police.

4. Shall monitor and evaluate the overall development of probationary officers to identify and rectify deficient performance and assist in resolving them through training and coaching.

5. May recommend the extension of a probationary officer for additional training and coaching.

6. Shall assist with a comprehensive evaluation of each Probationary Officer during the final month of the probationary employment period and prepare a statement of the Probationary Officer's development, to submit to the Chief of Police with a recommendation to retain, extend training or dismiss the Probationary Officer. Other department members having direct supervision of the Probationary Officer will be offered the opportunity to provide input to assist in this final probationary evaluation report.

7. The Supervisor shall review the Field Training Process and make recommendations for changes and improvements to the Chief of Police.

8. The Supervisor must insure that the training and evaluation process is properly administered. Various sources of information should be utilized to achieve these goals, including (but not limited to) Daily Observation Reports, oral communications with the Field Training Officers and personal observations of the Probationary Officer's performance.

9. Must maintain a commitment to teaching and developing new officers.

B. Field Training Officer

1. The Field Training Officer has two primary roles to fulfill. Those roles are that of a police officer assuming patrol responsibility and that of a trainer/assessor of Probationary Officers.

2. The Field Training Officer shall be responsible for the training and evaluation of the Probationary Officers when assigned to them, as directed by the Field Training Supervisor.

3. The Field Training Officer shall be a sworn officer who has met departmental qualifications.

4. Field Training Officer may assist the Police Department in the interview selection process for law enforcement officer candidates.

5. The Field Training Officer may be released from field training duties as follows:

a. At the request of the individual and the approval of the Chief of Police

b. Upon recommendation of the Field Training Unit Supervisor due to unacceptable agency performance.

c. At the direction of the Chief of Police.

6. Selection process of Field Training Officers

a. Two years minimum qualifications for Field Training Officers

b. Minimum qualifications for Field Training Officers:

i. Two years full time law enforcement experience of which one year is with the Bastrop ISD Police Department.

ii. Acceptable performance assessments and input from current and immediate Supervisors (with direct observation/knowledge of work habits, standards, etc.)

iii. Acceptable personnel actions file entries (i.e. complaints, civil litigation filings, etc.)

c. The Chief of Police will make the selection of Field Training Officers.

7. Field Training Officer Responsibilities

a. It is a Field Training Officer's function to familiarize the Probationary Employee with agency forms, policy, procedure, orders and insure that the Probationary Employee meet all required skills in every area.

b. Instruct Probationary Employees in department procedures and day to day operations.

c. Complete Daily Observation Reports

d. Monitor all paperwork completed by Probationary Employees and have corrections made as needed.

e. Conduct counseling sessions with Probationary Employees on subjects that need improvement.

f. Inspect Probationary Employees equipment and appearance.

g. Complete Field Training forms during the time period the recruit is assigned to the Field Training Program.

h. Monitor Probationary Employee to make sure any activities that require follow-up actions are completed.

i. Continually monitor Probationary Employee attitude, behavior and acceptance of the Field Training Program and department guidelines.

V. Assignment of Probationary Officers

A. Probationary Officers shall be placed in a Field Training Program assigned under the Field Training Supervisor and the tutelage of a Field Training Officer as defined in this policy.

B. The field training assignments shall be predetermined and will vary only when a Probationary Officer needs retraining and/or pre-assigned FTO is unavailable.

C. The Field Training Supervisor may continue the field training assignment of a Probationary Officer beyond the predetermined step, should the need for further training and evaluation be apparent.

D. Before the Field Training Officer can begin to evaluate the Probationary Officer's performance, the Field Training Officer must establish their goals for the training of the Probationary Officer. Training is stressful, not only for the student, but for the teacher as well. Without a solid foundation to build upon, the transfer of experience and knowledge can become a taxing responsibility. The Field Training Officer's Goals should boil down to two basic points

1. Teach the Probationary Officer how to apply the theory he has learned in the academic setting to the real world.

a. The Field Training Officer should realize the hardest thing for a Probationary Officer to learn might well be the ability to make a decision and then act on it. Laws, rules and policies are necessary to function in a civilized world, but they cannot account for every possible situation where people are involved.

The Field Training Officer must be able to pass their experience, good judgment and decision making ability onto the Probationary Officer.

2. Teach the Probationary Officer how to be a good researcher, (i.e. where or who do they go to obtain information).

   a. Most individuals have a limited capacity to memorize and retain data. Memorization of information should be limited to areas of safety and repetitious work tasks. The agency provides all officers with copies of our policies, Texas Penal Code, etc. The Probationary Officer should have a working knowledge of all policies and procedures used by both The Bastrop ISD Police Department and their respective police component. The Probationary Officer should be taught areas of expertise each officer has within the agency. In other words, teach the Probationary Officer how to find information as well as developing memorization skills.

E. Field Evaluation Checklist.

Throughout the entire Field Training Program a Field Training Officer will complete the required Field Evaluation Checklist in the following manner.

1. Demonstrate, describe or guide a Probationary Employee on the proper steps/procedures in the handling/documenting of the items listed on the checklist. Once this is performed the Field Training Officer will document the date that the act was demonstrated on the form.

2. Have the Probationary Employee complete the act with little to no guidance or errors. Once this act has been properly completed by the Probationary Employee they are to initial and date the form stating that they responded or handled that type of call appropriately and accurately.

3. Once the form is completed it is to be turned into the Field Training Supervisor for his review.

F. The Field Training Process shall be divided into the following phases:

1. Phase I – Minimum of 7 calendar days of administrative processing and agency orientation, training.

a. Completion of Orientation Checklist

b. Review of Bastrop ISD Police Department Policy

c. Orientation to the Field Training Program, including review of FTO program policy as well as review of all responsibilities and requirements for completion of program

2. Phase II – 20% /80% (Field Training Officer will conduct 80% of workload and Probationary Officer will conduct 20%). Minimum of 14 calendar days for new commissioned officers and a minimum of 7 calendar days for previously employed law enforcement.

   a. In the event that the Probationary Officer's performance is not acceptable (Not Responding to Training – Deficient Performance) at the close of any step the following protocols should be affected:

      i. The Probationary Officer's Field Training period may be extended upon the recommendation of the Field Training Supervisor to the Chief of Police.

      ii. All extensions of training shall be administered with formal written documentation that will be provided to the Probationary Officer by Field Training Supervisor and the Chief of Police during an "extension of training meeting".

3. Phase III – 80% /20% (Field Training Officer will conduct 20% of workload and Probationary Officer will conduct 80%). Minimum of 30 calendar days for newly commissioned officers and minimum of 15 calendar days for previously employed law enforcement.

   a. In the event that the Probationary Officer's performance is not acceptable (Not Responding to Training – Deficient Performance) at the close of any step the following protocols should be affected:

      i. The Probationary Officer's Field Training period may be extended upon the recommendation of the Field Training Supervisor to the Chief of Police.

      ii. All extensions of training shall be administered with formal written documentation that will be provided

to the Probationary Officer by Field Training Supervisor and the Chief of Police during an "extension of training meeting."

b. During the first 7 calendar days, the Field Training Officer shall remain in full uniform. The Probationary Officer shall, however, assume primary contact officer responsibilities. After the 7th calendar day the Probationary Officer shall complete the balance of Step III as the sole uniformed officer. The Field Training Officer shall wear plain clothes but will be required to carry all of their standard issued duty equipment.

4. Phase IV – 100% /0%. Minimum of 30 calendar days for newly commissioned officers and minimum of 14 calendar days for previously employed law enforcement.

a. In the event that the Probationary Officer's performance is not acceptable (Not Responding to Training – Deficient Performance) at the close of any step the following protocols should be affected:

i. The Probationary Officer's Field Training period may be extended upon the recommendation of the Field Training Supervisor to the Chief of Police.

ii. All extensions of training shall be administered with formal written documentation that will be provided to the Probationary Officer by Field Training Supervisor and the Chief of Police during an "extension of training meeting".

b. Probationary officers shall complete Phase IV as the primary uniformed officer. This will be an evaluation period only, unless it becomes necessary for the Field Training Officer to take a discretionary override.

VI. Evaluation Process

A. Daily Observation

1. This evaluation must be completed at the end of the shift and, except for extraordinary circumstances, not left to be done at a later time. In this way, the Probationary Officer is provided the opportunity to ask questions and seek clarification not received earlier in the workday. End of shift feedback also serves to

reinforce instructions, criticism and praise given during or after each earlier incident.

2. After the completion of this form the Field Training Officer should discuss the form and any findings during that training shift with the Probationary Officer. After discussing this form both the Field Training Officer and the Probationary Employee shall sign the form.

3. After 7 calendar days of training have been completed the Field Training Officer shall provide the Daily Observation form to the Field Training Supervisor for his review and retention.

B. End of Phase

1. To be completed by the Field Training Officer at the conclusion of each phase.

2. After the completion of this form the Field Training Officer and the Field Training Supervisor should discuss the form and any findings during that phase of the Field Training Program.

3. The Field Training Officer and Field Training Supervisor shall collaboratively discuss the End of Phase form with the Probationary Employee and all parties shall sign the form.

VII. Employment Status Process

A. The goal of the Field Training Program is to produce a fully trained, competent officer, and the program expects all officers to be successful. Unfortunately, some are not and regardless of the efforts by the personnel involved in the program, some do not reach the level of competence required. Officer sometimes realize their expectations of law enforcement were false ones. Other officers cannot perform multiple tasks. Still others are unable to deal with the stress present in the job. There are many reasons, but the fact is that some people do not make it, and therefore, must be terminated.

Termination is stressful, not only for the Probationary Officer, but for program personnel as well. Despite this, in some cases, termination is not only necessary but obligatory. If a Probationary Officer is not progressing in the program and it has been determined that progress to a satisfactory level is not possible, termination is the only logical step.

Field Training Officers often hope to "save" new employees who are failing, and this is laudable but not always fruitful. Personnel should never give up on a Probationary Officer who has the slightest chance of success, but must be realistic with those who do not. Organizationally, the retention of an employee who is not capable of performing the job would place the Department and the Probationary Officer in an untenable position. Not only would liability be ever present, but also such a decision would cost the Department economically and in terms of efficiency. By coming to grips with a Probationary Officer's failure, the stress experienced by the Probationary Officer will be reduced and the transition to another career will be eased.

The Probationary Officer is, of course, subject to the same rules and regulations that govern all Bastrop ISD Police Department officers, and should they violate a criminal stature or Departmental policy, they will be held accountable as prescribed in the policies.

B. A recommendation for termination may be initiated at any time during the probationary period when performance is not at an acceptable level. In all cases where possible, the Probationary Officer should be given the benefit of training through the phases before a termination recommendation is considered. However, the Probationary Officer may be terminated at any point in the program if:

1. They are a threat to their safety or the safety of others

2. They reportedly bring discredit or embarrassment to the Department

3. They cannot perform basic tasks necessary to allow them to proceed in the program.

C. Memorandums and recommendations for termination are forwarded to the Field Training Supervisor.

1. The Field Training Supervisor shall gather all memorandums and ensure that all supporting data is attached.

2. The Field Training Supervisor will prepare a detailed report of employment status recommendation for the Chief of Police.

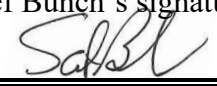
D. The Chief of Police will affect the administration decision regarding the request for dismissal.

1. If the Chief of Police concurs with the recommendation, the Probationary Officer shall be administratively relieved of duty.

VIII. Field Training Documentation

A. Upon successful completion of the Field Training Program the Probationary Officer's Orientation Checklist, Field Evaluation Checklist, Daily Observation Reports and the End of Phase Reports shall be filed in that employee's personnel file.

B. Field Training files of terminated employees consisting of the Orientation Checklist, Field Evaluation Checklist, Daily Observation Reports and the End of Phase Reports shall be maintained in accordance with the State of Texas retention schedule for personnel files.

	Subject: Personal Appearance, Grooming Standards, and Uniform	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 04/01/2020
	Policy: 5.10 Reference: TBP: 1.11, 1.12, 2.13, 7.17	Total Pages: 6 Chief Bunch's signature: 

PERSONNEL – Personal Appearance and Grooming Standards

Nothing in these general orders shall be construed or is intended to alter the at-will status of any employee and no employee or supervisor of the Bastrop ISD Police Department has the authority to make any statement or take any action which alters the at-will status of any employee or which creates any expectation of future employment.

I. POLICY

Proper uniforms and equipment are necessary to perform our law enforcement duties and present a professional image to the community we serve. It is imperative that we present a professional presence in our community to inspire that respect. All employees must strive to present a clean shaven, well-groomed image when wearing the departmental badge and uniform or representing the department in any manner.

II. PURPOSE

The purpose of this directive is to establish standards governing the personal appearance, hygiene and grooming of Department members.

UNIFORMS

A. New employees shall be issued uniforms needed to perform their job function. 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 maintained in the employee's personnel file. (TBP: 1.11)

B. Each employee must sign an inventory sheet listing all uniforms and equipment 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. The employee's supervisor shall ensure all departmental uniforms and equipment are returned to the department upon resignation, termination or retirement.

D. Employees shall have as a part of their issued equipment a copy of the rules and regulations and General Orders Manual, and shall maintain and make appropriate changes or inserts as directed. The copy of the rules and regulations and General Orders Manual may be issued in electronic format to the employee in lieu of a hard copy.

E. When an employee terminates employment, all issued equipment shall be returned prior to the day the termination is effective. All equipment and uniforms returned upon departure shall be in clean condition and in good working order. Uniforms shall be cleaned, pressed and on hangers upon submission. Any equipment damaged will be replaced at employees' cost. Any uniforms not in acceptable order will be sent for professional cleaning at the cost of the employee through wage garnishment of last check owed to former employee. Failure to return all items of BISD property may result in taking legal action. (TBP: 1.12)

III. DEPARTMENTAL APPEARANCE REQUIREMENTS (TBP 2.13)

A. Uniformed 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 maintained in a clean and well pressed condition. No part of the uniform shall be worn with civilian clothing or vice-versa.

2. Undershirts worn with an open collar short sleeve shirt shall be black or dark navy blue only. Shirttails will be worn tucked in at all times.

3. Rank Insignia - The Chief will wear two gold stars on each collar. The Assistant Chief will wear one gold star on each collar. Employees holding the rank of Sergeant will wear embroidered chevrons approximately ¼" below the department issued shoulder patch with the single point up.

4. Name Plates - Each employee, regardless of rank, will wear a departmental 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 will be required. Officers holding the rank of Sergeant or higher will wear gold and the rank of patrolman will wear 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 pocket.

6. Identification- Uniformed officers shall wear their identification affixed to the lapel on their right shoulder and above their name plate.

7. 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.

8. Headgear - The wearing of baseball style caps will be optional for standard duty assignments with no visible civilian logos or emblems. Winter headgear may consist of navy blue or black knit cap with no visible civilian 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.

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

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

2. Slacks, long sleeved dress shirts, ties (excluding bow ties), socks, shoes and appropriate head wear. Head wear must be appropriate to business dress attire and prior approved by Chief or his/her designee. Business or sports coats are optional unless required for court or a specific event or task. Civilian communications employees who have face to face interaction with the public shall wear department approved long sleeved shirt and business casual attire.

3. Footwear should be clean and polished, with heels and toes in good repair. Normal business shoes include slip-ons (loafers) or lace- ups are acceptable. Boots are acceptable, provided they are in good taste and are fashionable.

4. Female business attire will include the previously mentioned clothing and non-revealing blouses, skirts, dresses and appropriate footwear. Flip-flops are inappropriate.

5. If a sidearm is worn on the waist, the officers' department badge must be prominently displayed next to the sidearm.

6. 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.

7. 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 supervisor of the operation.

E. Court Attire

Officers attending court shall be in long sleeved department 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 which would draw undue attention to the employee. Female employees' makeup shall be tastefully applied. 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.

3. Mustaches and Beards

   Moustaches, if worn, will be of moderate length and neatly trimmed and will not extend more than one quarter inch below or one quarter inch past the corners of the mouth. No handle-bar mustaches will be allowed. Full Beards must be kept neat and well-trimmed. Classic style Goatees that include a moustache will be allowed if kept short and must be neat and well-trimmed. A "chin beard" extending from the corners of the mouth around the chin will be allowed if kept short and neat in appearance. Soul patches are not permitted.

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. Female employees assigned to civilian attire may deviate from these regulations with the approval of the Chief of Police or his/her designee.

   c. 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 in 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 and Piercing

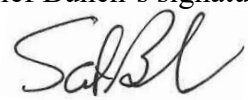
   a. Tattoos will not be visibly displayed on any part of the body if they are obscene, offensive, sexually suggestive, profane or discriminatory in any way towards persons on the basis of race, color, national origin or ancestry, religion, age, sex, or disability.

   b. With the exception of pierced ears, body piercing(s) are not authorized for wear by 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.

G. REFLECTIVE VESTS

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

	Subject: Supervisor Responsibility	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 05/01/2020
	Policy: 5.11	Total Pages: 3 Chief Bunch's signature: 

PERSONNEL – Supervisor Responsibility

Nothing in these general orders shall be construed or is intended to alter the at-will status of any employee and no employee or supervisor of the Bastrop ISD Police Department has the authority to make any statement or take any action which alters the at-will status of any employee or which creates any expectation of future employment.

I. POLICY

Supervision is the foundation upon which a successful law enforcement agency is built. The quality of supervision is directly proportional to the effectiveness and efficiency of the police organization. To be effective, supervision must be continuous and constructive.

II. PURPOSE

The purpose of this directive is to outline the responsibilities of personnel in a supervisory capacity.

III. DEFINITIONS

Supervisor - Any member, sworn or non-sworn, whose position within the Department requires supervision of other personnel.

IV. PROCEDURES

A. Chain of Responsibility

1. Supervisors shall assume responsibility for the supervision of all members subordinated to him/her in the chain of command. Supervisors shall be aware of the progress of subordinates and assist them by counsel, direction, and example; suggesting solutions to problems that arise.

B. Completion of Duties

1. Supervisors shall take all reasonable steps to determine that subordinates perform their duties completely, accurately, promptly, and in compliance with Department policy and procedure. Supervisors shall accept responsibility for achieving goals and objectives.

C. Organizational Control

1. Supervisors shall, by act, manner, and attitude, promote understanding of all policies and procedures essential to effective organizational control. The fact that a supervisor may not agree with a decision, order, or policy made by higher command does not relieve the supervisor of the responsibility to implement any lawful directive. Criticism of other supervisory and command level officers constitutes misconduct by the supervisor.

D. Delegation of Authority

1. Supervisors shall delegate authority so that maximum efficiency may be achieved. While supervisors are expected to delegate authority as appropriate, they may not delegate responsibility. A supervisor remains responsible for the end result of any task delegated.

E. Orders and Instructions

1. Supervisors shall use tact in giving orders and in correcting deficiencies in order to inspire confidence and industriousness. Supervisors shall structure instructions so that subordinates know what, how, and when a specific task is to be accomplished.

F. Performance Evaluations

1. Supervisors shall be fair and impersonal in evaluating the work of subordinates.

G. Morale Maintenance

1. Supervisors shall be responsible for the development and maintenance of employee morale and attitudes.

H. Career Counseling

1. Supervisors should be alert to behavior of subordinates which indicate dissatisfaction with the job. Where possible, the supervisor shall, by means of a confidential discussion with the employee, attempt to determine the cause and extent of the employee's dissatisfaction and counsel the employee as to the best course of action to alleviate the problem. Supervisors shall be familiar with the career goals and aspirations of subordinates and will assist them to obtain the training and experience necessary to fulfill those goals as possible.

	Subject: Employee Discipline	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 04/01/2020
	Policy: 5.12	Total Pages: 8 Chief Bunch's signature: 

Employee Discipline

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 a process of taking specific actions which will help train, develop or modify the inappropriate actions of an employee, preferably through positive rather than negative measures. Discipline in the department involves reward of employees for excellence, positive actions, training, counseling, and in some cases sanctions for inappropriate actions or behavior.

II. PURPOSE

The purpose of this order 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, that if the last day of any time period mentioned herein 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 which 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/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 discipline

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. When the Chief receives compliments about an employee, he/she 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, the supervisor and 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, for up to 12 hours with pay, but must promptly report this action to the Chief of Police, 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 may relieve an employee from duty. Only the Chief of Police, under consultation with the Superintendent or Deputy Superintendent, 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 Superintendent or Deputy Superintendent, may then suspend without pay.

D. Penalties

The following options are available:

1. Documented oral reprimand, counseling and training

2. Written reprimand.

3. Demotion or suspension without pay.

4. Dismissal from department.

E. 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/she has the right to file a statement in his/her personnel file setting forth his/her position, in case of disagreement.

2. The reprimanding supervisor shall record the reprimand/counseling in a memorandum to the personnel record containing 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 of counselor and signature.

    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 following the statement.

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/her behavior. Remedial training is reasonably offered until the employee can demonstrate proficiency in the corrected 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. Accumulation of three oral reprimands in a twelve month period may result in a written reprimand or suspension, depending on circumstances.

5. Supervisors are expected to informally counsel employees regularly without waiting on instances of poor performance. Most counseling is informal, positive, supportive and often undocumented.

6. Supervisors are responsible for counseling employees concerning job-related matters, within their capabilities. Many things can affect the job and an employee's performance, so 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.

F. Written reprimand

1. A written reprimand, issued by the Chief of Police, cautions an employee about poor behavior, sets forth the corrected or modified behavior mandated by the department, and specifies the penalty in case of recurrent poor behavior. A written reprimand becomes a permanent part of the employee's personnel record.

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

G. Demotion or suspension without pay

1. If the situation warrants, the Chief of Police, in consultation with the Superintendent or Deputy Superintendent, may demote an employee, suspend without pay, or take other measures normally considered equivalent, such as the forfeiture of vacation or compensatory time.

2. Suspensions without pay will normally apply to a period of up to 15 days, as determined by the Chief of Police and Superintendent.

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) they 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. Terminations may result from other criminal infractions.

    c. If an employee is acquitted of criminal charges, the employee may yet be disciplined at the discretion of the Chief of Police or reinstated with full or partial back pay.

5. Any member 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/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 only apply 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 Superintendent, whose decision is final.

H. 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 Grievance Procedure found in Policy 5.16.

I. 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 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 before leaving 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 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/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 investigations resulting in disciplinary action and all disciplinary paperwork will be filed in the employees personnel file. A copy of the investigation will be maintained in the internal investigations file.

	Subject: Appointment and Probation	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 04/01/2020
	Policy: 5.13 TBP 1.09, 2.03	Total Pages: 3 Chief Bunch's signature: 

Appointment and Probation

I. POLICY

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

II. PURPOSE

To provide for a systematic process for the appointment of Sworn and Non-Sworn personnel.

III. PROCEDURES FOR SWORN PERSONNEL

A. Applicants that 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 and determine a starting date.

2. On the day selected for employment, the applicant will report to BISD Human Resources for completion of all initial paperwork and issuance of an identification card.

B. Upon completion of the initial processing at Human Resources, the new employee will report to the police department where they 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 General Orders and Field Manuals.

D. The Chief 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 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/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 that 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 Human Resources for completion of all initial paperwork and issuance of an identification card.

B. Upon completion of the initial processing at Human Resources, the new employee will report to the police department where they will be issued any necessary equipment for their 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. Non-sworn personnel are on probation for one year from the date of their employment. All newly-hired police officers shall be considered on probation for one year from the date of completion and release from Field Training. The same probationary period applies to officers hired through lateral entry.

B. An employee may be released from employment at any time during their 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 their permanent appointment or discharge the employee 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.

	Subject: Career Development, Promotions, and Transfers	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 04/01/2020
	Policy: 5.14 Reference: TBP: 4.06, 4.07	Total Pages: 5 Chief Bunch's signature:

Career Development, Promotions, and Transfers

I. POLICY

The department encourages employees to seek opportunities to develop their knowledge, skills and abilities. Promotions are based on performance, longevity, and the growth of skills through training and experience. Even though promotional opportunities may be rare, the Chief promotes a process that is fair and equitable.

II. PURPOSE

To establish guidelines for career development of employees to include training and promotions.

III. PROCEDURES

A. Responsibilities of the Chief of Police

1. Annually, the Chief of Police, or designee, will meet with each employee for career counseling. This counseling shall occur at the same time as the employee's annual performance evaluation. The counseling shall include an examination of:

   a. The employee's performance record.

   b. A review of training programs applicable to the employee's duties.

2. The Chief shall ensure that at least one department employee:

   a. Achieves and maintains certification as a firearms instructor.

   b. Receives advanced instruction in evidence collection techniques.

3. All officers shall maintain current First Aid/cardiopulmonary resuscitation certifications.

4. The Chief shall ensure the availability of a trained armorer, either through training a department employee, contracting with an armorer in another jurisdiction, or contracting with a private armorer. The armorer shall inspect all firearms and ammunition at least annually for safety, reliability and ability. The armorer shall also repair broken or malfunctioning weapons.

5. The Chief of Police shall ensure that any employee, upon receiving a promotion or a new assignment, attend training specific to that position within 12 months of assignment.

B. Promotions (TBP: 4.06)

1. When a vacancy exists for the position of sergeant or above, the Chief shall post an advertisement of the position, the qualifications required, and a description of the selection process to be used for a minimum of two weeks prior to any selection process. During that time, officers may request, in writing, consideration for the position.

C. Eligibility for Promotion

1. Employee must meet the following minimum requirements to be eligible for promotion to any increased level of responsibility or compensation.

2. In order to compete for corporal an employee must have 1 year with the department.

3. In order to compete for sergeant, a candidate must have a minimum of three years police experience and at least 12 months-time in grade in the next lower position.

4. In order to compete for lieutenant a candidate must have a minimum of 5 years of police experience, and 12 months-time in grade in the next lower position.

5. Performance evaluations overall score of at least satisfactory for the 12 months.

6. Candidate must submit a "letter of intent" to the office of the Chief of Police, which requests participation and consideration in promotional selection process.

7. In the event that less than three officers express intent to seek promotion, the Chief of Police may open the process to the next lower rank. Example. One sergeant intends to seek promotion to lieutenant; the process would open for corporals to compete for lieutenant. Otherwise, only those in the next lower grade may compete for promotion to the next higher grade.

8. The Chief of Police may go outside the department to fill ranking positions if circumstances dictate.

D. Corporal Position is by appointment from the Chief of Police using information from evaluations, input from the Sergeant or Sergeants, from observations of self-initiated activity, and from school administrators.

E. Process for Promotion

1. Sergeant

a. Meet eligibility;

b. Submit "letter of intent";

c. Pass a written test with a minimum score of a 70;

d. Review Board

i. When possible a panel of five individuals will comprise the oral board. Three members will be from Bastrop ISD and the remaining two members will be supervisors from another law enforcement agency.

ii. The Oral Review board will conduct a structured interview and score the candidates.

e. Final Ranking

i. The scores will be combined and a ranked eligibility list of overall scores will be made and forwarded to the chief.
ii. In the event of a tie, the following tiebreakers will be used in order until the tie is broken.
Time in grade.
Time with the department
Time in law enforcement

f. Review by Chief of Police

i. The “rule of three” shall apply. As promotions become available the top three names will be sent to the chief for consideration. The chief shall promote candidates in order unless there is justification to pass over a candidate.

ii. The Police Chief may pass over any person on the list if there is a compelling reason to do so. (poor evaluations, extensive discipline, etc).

g. The eligibility list will be valid for one year. (TBP: 4.07)

2. Lieutenant

a. Meet eligibility;

b. Submit "letter of intent";

c. Each candidate can receive up to a maximum of five points for longevity. The candidate will receive .50 points for each year of service.

d. Final Ranking

i. The scores will be combined and a ranked eligibility list will be made and forwarded to the Chief.

ii. In the event of a tie, the following tiebreakers will be used in order until the tie is broken.

Time in grade.
Time with the department
Time in law enforcement

e. Review by Chief of Police

i. The “rule of three” shall apply. As promotions become available the top three names will be sent to the chief for consideration. The chief shall promote candidates in order unless there is justification to pass over a candidate.

ii. The Police Chief may pass over any person on the list if there is a compelling reason to do so. (poor evaluations, extensive discipline, etc)

f. The eligibility list will be valid for one year from the date of the written test. (TBP: 4.07)

3. Assistant Chief

a. Meet eligibility;

b. Submit "letter of intent";

c. Review by Chief of Police;

d. Assistant chief is an appointed position and the chief has latitude in how this position is selected.

4. Promotional Probation

a. The Chief of Police will announce promotions along with the effective date. All promotions are conditional that the employee satisfactorily completes a one year probation period.

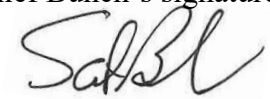
F. Transfers

1. The Chief may assign or transfer any employee to a duty assignment that is deemed to be in the best interest of the department.

2. Employees who request a transfer shall write a memorandum to the Chief to that effect.

3. Occasionally, some job assignments require minimum assignment periods so that the department may sufficiently benefit from investments in specialized training or education. Minimum periods of assignment shall be determined by the Chief and specified in a departmental order. The Chief reserves the right to establish minimum and maximum terms of service for selected duty assignments he/she deem to be in the best interest of the department.

4. Officers engaged in undercover assignments are subject to rotation after a period of three years, although they may continue to perform investigative work.

	Subject: Performance Evaluations	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 04/01/2020
	Policy: 5.15 Reference: TBP: 4.08, 4.09	Total Pages: 3 Chief Bunch's signature: 

Performance Evaluations

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 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) allow fair and impartial personnel decisions; (2) maintain and improve performance; (3) provide a basis and a medium for personnel counseling; (4) assist decisions about the tenure of probationary employees; and (5) identify training needs.

II. PURPOSE

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

III. PROCEDURES

A. General

1. All employees shall be evaluated using the departmentally approved form. Supervisors will be trained in the evaluation process prior to conducting the evaluations. (TBP: 4.08, 4.09)

2. Evaluations reflect observations and perceptions by rating personnel and personnel shall be rated as having demonstrated unacceptable, acceptable, or superior behavior.

3. After completion of probation, each officer shall be evaluated annually. To constitute a satisfactory evaluation, an officer must receive an overall 3.0 (or satisfactory). Officers who fail to receive an overall 3.0 may be placed on probation for a period determined by the Chief of Police. Within the probation period, an officer shall receive remedial training in deficient areas, demonstrate proficiency (or satisfactory improvement) in deficient areas, the training and improved behavior documented on the evaluation form.

4. With the exception of probationary employees, all performance evaluations will cover July 1st to June 30th of each year. The evaluation shall be completed, signed by the employee and rating supervisor, and turned in to the Chief of Police by the end of March each year. This process will follow the District's evaluation calendar.

5. All evaluations shall be reviewed with the employee and placed in employees' personnel files.

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.

8. An officer who receives an unsatisfactory rating he/she perceives to be unjust may appeal to the next level of the chain of command up to the Chief of Police. The officer concerned must rebut the comments or rating in writing and submit them through the chain of command to the next level.

B. Evaluation of non-sworn employees and supervisors

1. Non-sworn employees shall be evaluated on forms used by the District for the purpose.

2. Supervisors shall be evaluated by their next level supervisor using the same form as that for officers. Under "comments" the rater shall refer to an attached page containing, in a narrative, comments concerning the individual's supervisory performance. The rater shall address, at a minimum, the following points:

    a. Ability to instill in officers a high regard and respect for community-oriented policing ideals, the rule of law, civil rights, and concern for victims.
    b. Ability to perceive performance weaknesses in his/her officers, conduct remedial training, and document improved

proficiency. Command of patrol techniques, methods, and investigative procedures.

c. Ability to reprimand, counsel, praise, or otherwise discipline his/her officers.
d. Ability to take responsibility for the performance of his/her officers.

	Subject: Grievance Process	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 04/01/2020
	Policy: 5.16 Reference: TBP: 2.08	Total Pages: 6 Chief Bunch's signature:

Grievance Process

I. POLICY

The department's goal is to provide fair, equitable, and clearly defined means for the resolution of grievances, to ensure employees and their supervisors are afforded reasonable opportunity to present the facts bearing on a grievance, and to guarantee the opportunity to exercise the rights set forth in this order. Every employee has the right to fair treatment in all matters arising from employment and to this end each employee has the right to be heard whenever he/she alleges mistreatment. A grievance process that affords employees the opportunity to air a complaint helps reduce dissatisfaction, identify organizational problems and increase morale.

The department retains the right under applicable laws and regulations to direct employees in the performance of their duties; to take the necessary means to achieve the proper ends under emergency situations; and to hire, promote, transfer and assign employees as well as to suspend, demote, discharge or take disciplinary action against such employees for just cause.

II. PURPOSE

The purpose of this order is to establish grievance procedures for departmental employees to resolve disputes or complaints concerning the terms or conditions of employment.

III. APPLICABILITY

A. Included

All permanent full-time or part-time employees (those who work at least 20 hours weekly, continuously for at least six months).

B. Excluded

1. Probationary employees.

2. An employee who has voluntarily resigned may not have access to the grievance procedure after the effective date of the resignation. An employee who has been removed from employment shall not have access to the grievance procedure, except to grieve a removal resulting from a formal discipline, unsatisfactory job performance or other involuntary separation. This grievance must be filed within 10 calendar days of the dismissal date. Any grievance initiated by a permanent employee before voluntary separation from the department may continue to be processed through the grievance procedure.

IV. WHAT IS GRIEVABLE

A grievance is a complaint or dispute of an employee relating to employment, including but not necessarily limited to:

A. Disciplinary actions, including terminations (whether resulting from formal discipline or unsatisfactory job performance or an involuntary separation), demotions and suspensions. (TBP: 2.08)

B. The improper application of personnel policies, procedures, rules, regulations and ordinances and statutes.

C. Acts of reprisal as a result of use of the grievance procedure or of participation in the grievance of another employee.

D. Complaints of discrimination on the basis of race, color, creed, political affiliation, age, handicap, national origin or sex.

E. Intimidation because of participation or failure to participate in political activities.

V. WHAT IS NOT GRIEVABLE

Management reserves the exclusive right to manage the affairs and operations of the department. Accordingly, the following complaints are not grievable under this order:

A. Establishment and revision of wages or salaries, position classifications or general benefits.

B. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content. (The measurement and assessment of work through a performance evaluation shall not be grievable except where the employee can show that the evaluation was arbitrary or capricious.)

C. The contents of established personnel policies, orders and statutes.

D. Failure to be promoted (except where the employee can show that established promotional policies or procedures were not followed or applied fairly).

E. The methods, means and personnel by which work activities are to be carried on.

F. Dismissal, layoff, demotion or suspension from duties because of lack of work, reduction in the work force or job abolition.

G. The non-disciplinary hiring, transfer, assignment and retention of employees within the agency.

H. The relief of employees from duties during emergencies.

I. The District's financial, budgetary, accounting, compensation and organizational policies and procedures.

J. Oral reprimands, warnings or written reprimands.

K. Management of District employees, including the right to determine the duties to be included in a job classification; to make personnel appointments in accordance with adopted selection policies and techniques; to determine the number of persons to be employed or retained as employees, including the right to lay off employees whenever it is deemed to be in the best interest of efficiency or productivity or whenever necessitated by lack of funds or reduced workload; to establish rules and regulations governing work performance and conduct of performance evaluations; to transfer and assign employees within the department; to determine the need for shift operation and rotation of the work week; to assign overtime; to determine job training and career development and to determine duties or actions in emergencies.

VI. PROCEDURES

A. Nature of the grievance

The grievance should include the following:

1. A detailed statement of the decision or action that is the occasion of the complaint. The statement must include a factual description of all circumstances and a statement of how the employee has been harmed by that decision or action. The employee has the burden to prove the allegations of the complaint and to demonstrate the harm.

2. State that the harm arose from an act, commission or omission that directly affects the employee's working conditions or employment relationship.

3. State the relief sought that is within the department's power to grant.

B. Level One

1. The employee shall identify the grievance orally to the immediate supervisor in an informal meeting within 5 calendar days after the event or action which is the basis for the grievance. A grievance alleging discrimination or retaliation by the immediate supervisor may be initiated with the next-level supervisor, the Chief of Police, the Human Resources Director or the Deputy Superintendent.

    a. The supervisor shall give an oral response to the employee within five work days following the meeting.

    b. If a resolution is not reached at this point, the employee shall submit a memorandum to the supervisor which outlines the information listed under section A above within five work days after receipt of the oral response.

2. The supervisor, in turn, shall give the employee a written response within five work days of receipt of the employee's memorandum.

C. Level 2

1. If the employee is not satisfied with the response to the grievance during the first management step, or the status of the complaint as grievable has not been decided, then the employee should ask the supervisor to present the employee's memorandum to the Chief of Police. The request to submit the grievance to the Chief must be requested within five work days following receipt of the supervisor's reply.

    If requested within the time period allowed, the supervisor will forward the employee’s memorandum and the supervisor’s response to the Chief within five days.

2. Within five days of receipt, the Chief shall decide whether the issue is grievable within sections IV and V of this order.

    a. If the issue is not grievable, the employee shall be advised that he/she may appeal to the Deputy Superintendent.

b. If the issue is grievable, then the Chief shall, within 10 days, meet with the employee, the supervisor, and appropriate witnesses and attempt to resolve the grievance.

3. The Chief shall give the employee a second-step response in writing within five work days following the date of the meeting. A copy of both the employee's memorandum and the response from the Chief of Police shall be forwarded to the Deputy Superintendent for information.

4. If the employee desires the presence of legal counsel, the Chief may have legal counsel present as well.

D. Level Three

1. If the employee is not satisfied with the response to the grievance during the second management step, or disagrees with the Chief's decision that the issue is not grievable, then the employee should ask the Chief to present the employee's memorandum to the Deputy Superintendent for review. The request to submit the grievance to the Deputy Superintendent must be requested within five work days following receipt of the Chief's reply. If requested within the time period allowed, the Chief will forward the employee's memorandum and his or her response to the Deputy Superintendent within five days.

2. Within five days of receipt, the Deputy Superintendent shall decide whether the issue is grievable within sections IV and V of this order.

a. If the issue is not grievable, the employee shall be advised that he/she may appeal to the Superintendent.

b. If the issue is grievable, then the Deputy Superintendent shall, within 10 days, shall take whatever action he/she deems necessary to review the issue.

c. If the issue involves an appeal of disciplinary action, the Deputy Superintendent or his/her designee will meet with the employee, any supervisor involved, the Chief of Police, and if necessary any other parties to render a just determination.

3. The Deputy Superintendent shall give the employee a response in writing within five work days following the determination. A copy of both the employee's memorandum and the response from the Deputy Superintendent shall be placed in the employee's personnel file.

4. If the employee is appealing a suspension, demotion, or termination and the disciplinary action has been taken by the Chief of Police, the first appeal or grievance step is to notify the Deputy Superintendent in writing of the desire to appeal. The time limits under Level Three apply.

    a. In these cases, the Deputy Superintendent will schedule a meeting. The employee as well as the District may be represented by counsel. The hearing is informal but both sides are allowed to present witnesses and evidence. The employee or the employee's representative or counsel has the ability to call any witnesses and challenge any evidence. The Deputy Superintendent will, after hearing the witnesses and evidence, make a final decision.

    b. Any appeal after this decision is to the Superintendent and his/her decision is final.

	Subject: Other Officer Program as per TCOLE	Issue Date: 11/30/2015
	Chapter: 5	Revision Date: 06/01/2020
	Policy: 5.17 Reference: TBP: 7.27, 3.07	Total Pages: 4 Chief Bunch's signature:

Other Officer Program

I. POLICY

It is the policy of the Bastrop ISD Police Department to maintain the highest standards of professional law enforcement services. Volunteers or Other Police Officers must meet the same standards as other members of the organization. Other Police Officers should fulfill two primary functions. First, Other Officers serve as auxiliary manpower in situations as needed and second, they provide an additional interactive link between the community and the Police Department. Other Officers are subject to all the applicable Rules & Regulations that govern regular sworn personnel.

II. PURPOSE

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

III. OTHER 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 (TCOLE).

3. The selection process for Other Officer applicants are the same as regular officers outlined in Policy 4.1 and 4.2.

B. Certification and Other Officer Levels

1. Apprentice Other Officer - applies to Active Other Police Officers who have obtained required Peace Officer training but has not completed field training.

2. Other Officer - applies to Active Other Officers who have successfully completed Basic Peace Officer Certification, completed field training and hold a Basic Peace Office license.

    a. Other Officers will be assigned their duties by the Chief of Police or his/her designated appointee.

    b. Other 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.

C. Training and Performance Standards

1. Other Police Officers serve at the discretion of the Chief of Police and may be called into service at any time the Chief of Police or his/her designate considers it necessary to have additional officers.

2. Other Police Officers shall be considered in an "on-duty" capacity when:

    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 Other 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 Other Officers may perform the same duties as other full-time sworn personnel or be assigned to work with a regular officer.

5. All Other Police Officers are subject to the same rules, regulations, and orders as regular sworn personnel.

6. All Other Police Officers must successfully complete the Basic and

Intermediate Other Officer Course required by TCOLE and obtain their license as a Peace Officer.

7. All active Other 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, Other Officers will assume duties as designated by the Chief of Police.

8. For training and evaluation purposes, all Active Other Officers will work one tour of duty with a Field Training Officer within the first six months of each calendar year.

9. All Other Officers will be required to attend periodic department In-Service training to complete:

    a. The same training as required of regular sworn officers including courses mandated by TCOLE. for certification requirements; and (TBP: 3.07)

    b. Departmentally required qualifications on firearms and intermediary weapons and any other equipment deemed necessary.

10. Other Officers will only carry a weapon when on-duty or performing assigned duties.

D. Chain-of-Command and Operations

1. The Other 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 Other liaison to monitor Other activities.

E. Organizational Function

1. The primary function of Other Police Officers will be to supplement Patrol Operations personnel.

2. Additionally, Other 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 Other Police Officer assignments will be coordinated through the office of the Sergeant of the Patrol Division.

4. Other 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 the individual.

5. Other Officers are not permitted to carry weapons off-duty. Other Officers carry weapons only in the performance of their on-duty assignments.

	Subject: Patrol Operations	Issue Date: 11/30/2015
	Chapter: 6	Revision Date: 06/01/2020
	Policy: 6.1 Reference: TBP: 7.01	Total Pages: 10 Chief Bunch's signature:

Patrol Operations

I. POLICY

Patrol is the primary activity of law enforcement that includes much more than driving through neighborhoods looking for evidence of lawbreaking. On patrol, officers engage in a wide variety of activities including enforcement of traffic and criminal laws, answering complaints, conducting investigations, community relations activities, transporting prisoners and preventing crime. The Bastrop ISD Police Department expects officers to conduct patrol vigorously to prevent crime, improve community relations, detect and apprehend offenders.

II. PURPOSE

To define and outline procedures for handling commonly encountered patrol problems.

III. DEFINITIONS

Patrol can be defined in terms of its component activities:

A. Crime prevention activities;

B. Response to requested services;

C. Investigation of crime, offenses, incidents, conditions including arresting offenders;

D. Traffic direction and control;

E. Regulation of certain business or activities as required by law;

F. Maintenance of public order;

G. Provisions of emergency services;

H. Development of relationships between citizens and the Department;

I. Reporting of information to appropriate entities.

IV. PROCEDURES - GENERAL

A. Patrol Coverage (TBP: 7.01)

Subject to staffing levels, the Bastrop ISD Police Department seeks to operate 12 hours a day, five days per week to provide the District with law enforcement services. Staffing levels may require that law enforcement coverage be provided by off-duty officers who are on call for responding to requests for District related police service combined with dependence upon other law enforcement agencies for emergency response.

B. Patrol Activities

1. Response to some calls may require several officers to deal effectively and safely with the problem. Situations which should, to the extent reasonably possible, be addressed by the response of at least two officers include:

   a. potential or actual assault on an officer;

   b. possibility of or actual on-scene arrest for a felony or violent misdemeanor;

   c. resistance to arrest;

   d. probability of or actual use of force;

   e. crime in progress;

   f. fleeing suspect;

   g. alarm calls.

   i. Shots fired

2. An officer finding the circumstances listed above shall request back-up assistance, if reasonably possible under the circumstances. Two officers assigned to such a call shall, if reasonably possible, coordinate their simultaneous arrival where possible. Officers from other agencies should be requested to assist where necessary.

C. Incidents Requiring Presence of a Supervisor

The Chief of Police or the Chief's designee shall be notified and the Chief, or the Chief's designee, shall assume command of the following incidents. The Chief may, using discretion, summon assistance from the Bastrop County Sheriff's Office, Bastrop Police Department, or Texas Department of Public Safety to respond to and investigate the following types of incidents:

1. Serious injury to an officer;

2. Accident involving a police vehicle;

3. Major crimes to include murder, bank robbery, jail break or a heinous crime or assault where death may occur;

4. Barricade/hostage situations;

5. Disasters, catastrophes or severe weather producing emergency conditions;

6. Serious complaint or incident involving a police officer;

7. Serious accident, injury or incident involving BISD personnel or property; and

8. Any other incident where a supervisor is requested.

D. Hazards

A wide variety of hazardous situations such as bad road/weather conditions, unsafe structures and potentially dangerous calls for service will normally be identified by patrol officers or announced by local media. Information about any of these hazardous or potentially hazardous situations shall be reported, shared among officers, other agencies and passed on to subsequent shifts.

E. Special Notifications

1. Emergency/next-of-kin messages.

   a. Subject to the availability of personnel emergency messages of any legitimate type as defined by the person receiving the message may be delivered. Officers shall

deliver any message pertaining to a death, serious injury or serious illness.

b. Notifying next-of-kin where there is a death, serious injury or serious illness can place the officer in a delicate and uncomfortable situation. The following procedures shall be used whenever possible and practical:

(1) Notification shall be made as promptly as possible.

(2) The presence of a minister or relative/close friend (if known) shall be obtained whenever possible before notification.

(3) If notification has to be made alone, the officer shall offer assistance to the next-of-kin in contacting a relative, close friend or minister.

(4) Officers delivering emergency notifications shall tell citizens the source of information.

c. When requested by another agency to make notification of next-of-kin, the officer shall obtain whatever pertinent information about the situation is available in order to assist the relative receiving the message.

F. Highway Maintenance/Utilities

At any time when one of the below hazards exists, the officer shall notify the proper agency. Hazards may be grouped into two categories.

1. Hazards requiring immediate notification of the proper department or agency:

a. Essential traffic light in need of repair;

b. Large holes in road;

c. Electrical power lines down;

d. Large debris, etc;

e. Breaks in water, gas or other utility mains;

f. Snow/ice on road;

g. Fire hazards needing immediate attention.

2. Hazards requiring notification at beginning of next business day:

a. Small (non-hazardous) holes in road;

c. Street lights in need of repair;

d. Telephone/video cables down but not creating hazard;

e. Dead animals;

f. Potential fire hazards not requiring immediate attention;

g. Excessive growth of weeds, grass, etc.

h. Guardrail damage.

3. Some hazardous situations may demand immediate notification of local radio stations in order to request public service announcements. Normally, the Bastrop ISD Communications Division or designee shall contact local media for this purpose.

V. PROCEDURES - CONDUCT WHILE ON PATROL

A. Officers shall acquaint themselves with traffic hazards, geography of their territory and particularly the location of roadways. Officers shall also ascertain the names and addresses of habitual criminals and law violators, First Aid stations, hospitals, ambulances, magistrates, sheriffs, general district and judges, prosecuting attorneys, medical examiners, public and private social service agencies and any other public or private officials that prove helpful in the providing of police services.

B. Officers shall employ the utmost care to protect themselves when stopping violators for infractions of laws. Consideration must also be given the stopping of vehicles from a safety standpoint, during inclement weather, on hills and curves, in dense traffic or in any instance where life and property may be endangered.

C. When an officer observes a violation of the law, the officer shall either (1) warn, (2) arrest or (3) issue a summons to the violator to appear before the court having jurisdiction.

1. Any controversy incident to the warning, arrest, or summons shall be avoided; the officer shall merely inform the offender:

a. the nature of the offense;

b. why the offense was detrimental to the safety of the public, if this is appropriate;

c. the specific charge if a charge is made and

d. the procedure the violator must follow in order to bring the matter to a conclusion.

D. Without exception, male officers transporting females shall notify the dispatching agency, that they are transporting a female prisoner. The report shall include the point of origin, vehicle odometer reading, and the destination. Upon arriving, the officer shall so notify the dispatcher and give the odometer reading. The communications operator shall log the information and record the time of each notification. The same procedure applies to a female officer and a male prisoner.

E. Officers shall provide general and emergency assistance to motorists in accordance with their training and qualifications. This includes providing information and directions, assisting stranded or disabled motorists, and obtaining medical and other emergency assistance. Officers shall ensure that the requested service is provided in a timely fashion. If, after arranging for assistance, the officer is unable to remain with the motorists until help arrives, the officer shall take the reasonable and necessary steps to provide safety to the motorists or arrange for transportation. However, this does not preclude transporting the motorists to a place of safety when a need arises. Officers and employees of the Department are prohibited from recommending or suggesting any specific wrecker service or other private business to be hired by a motorist or other person in similar need. However, officers and employees may refer citizens to phone books, yellow pages or other similar generic reference materials where assistance may be located. Officers and employees are also permitted to assist the citizen in making contact with a business or service selected by the citizen.

VI. PROCEDURES - SPECIFIC PATROL PROBLEMS

A. Mental Patients

1. In the absence of a court order for mental commission, or criminal charges of any nature, officers responding to any request for assistance in detaining a mental patient must not initiate such action. The responsibility for detaining such a patient rests with medical personnel. However, the officer responding shall provide assistance should the situation escalate to a confrontation where the safety or preservation of peace becomes a police problem.

2. When a valid court order for mental commitment is present, the officers may take whatever action is necessary to enforce the court order.

B. Handcuffed Prisoners

Unless necessary to remove handcuffs in order for a prisoner to receive medical treatment, the handcuffs or restraints shall remain.

C. Interviews of Patients/Employees

1. Officer(s) entering a hospital for the purpose of interviewing a patient in the emergency room shall notify hospital personnel on duty of their presence and the identity of the party to be interviewed.

2. Officer(s) entering a hospital for the purpose of interviewing a patient in the patient's room or ward shall notify hospital personnel on duty at the nurses' station responsible for the care of that patient of their presence and the identity of the party to be interviewed.

3. Officer(s) who must interview an employee of a hospital shall make every effort to conduct the interview away from the hospital unless the purpose of the interview is in conjunction with the person's employment.

D. Preliminary Death Investigations

After arriving at the scene and until convinced to the contrary, all officers shall consider every death call as a possible homicide, and shall be aware that a homicide may be "staged" to appear as a death by natural causes.

E. Responsibilities of First Officer on the Scene

1. If the death appears to be from other than natural causes, the officer shall direct attention to the following functions *in the order that the officer's discretion dictates* after an evaluation of the situation.

a. Assuring the safety of persons to prevent further injury or death.

b. A preliminary determination that the subject is actually deceased.

c. Preservation of the scene and possible evidence.

d. Radio call for police or rescue assistance.

e. Identification of witnesses.

f. Requesting the presence of a supervisor.

2. All deaths must be pronounced by a physician or appropriate judicial authority, which may happen at the scene, at a hospital or any other place designated by the medical examiner in medical examiner cases. The officer shall include in the officer's report the time of pronouncement, the name of the physician, and the place the body is to be taken.

3. Medical examiner's case - If the circumstances of death fall into any of the following categories, or if there is any doubt as to its inclusion in one of these classifications, it shall automatically be considered a medical examiner's case:

Classifications

a. By violence; that is, accident, suicide or homicide.

b. Suddenly, when in apparent good health.

c. When unattended by a physician (M.D. or D.O.).

d. When in jail or in police custody.

e. By unusual, suspicious or unnatural means.

f. When the body is to be cremated.

g. Fetal deaths.

4. Non-medical examiner's case - For the purposes of this procedure, a non-medical examiner's case shall be defined as:

a. A death resulting directly from a disease or illness which has been diagnosed and is actively being treated or attended to by a private physician and;

b. The death is not within the classification of a medical examiner's case, as defined above.

5. When medical examiner is not immediately available:

   a. If authority for removal of the body cannot be ascertained from the medical examiner within a reasonable period of time, a police supervisor, acting as an agent for the medical examiner, may contact the nearest funeral home and have the body transported to the nearest hospital for pronouncement and custody. Family preference as to funeral director may be considered if transportation can be expeditiously handled.

   b. If neither the attending physician nor the medical examiner can be contacted within a reasonable period of time the body may be removed.

   c. The assistance of the fire Department may be ***requested*** in emergency situations requiring the ***immediate removal*** of a body.

F. Vehicle Lock-outs

The Bastrop ISD Police Department may assist citizens who are locked out of their vehicles only in an emergency.

1. Persons requesting assistance in gaining access to a vehicle or residence from which they are locked out shall be directed to contact private businesses, unless one of the following circumstances exists:

   a. medical emergency;

   b. child, disabled citizen or animal locked in the vehicle;

   c. for a police related matter as authorized by a supervisor; or

   d. when the welfare of a person could otherwise be in jeopardy.

2. If no emergency (as described above) exists, officers shall advise citizens:

a. That the Bastrop ISD Police Department has neither the expertise nor the special equipment necessary to enter the locked vehicle or residence and

b. To call a locksmith for assistance.

c. Officers are reminded of the prohibition from recommending specific businesses or services to provide citizen assistance for a fee.

3. The above rules apply regardless of whether the request comes from a citizen, Fire Department or animal control personnel.

4. When responding to a lock-out, the officer shall:

a. determine if an emergency exists;

b. obtain proper identification from the requesting party and make a reasonable inquiry to determine that the requesting party has a right to gain entry (except in life-threatening situations or emergencies where immediate action is necessary);

c. advise the requesting party that the District is not responsible for any damage incurred by the assisting officer;

d. call for assistance, when necessary, from the Fire Department or other appropriate agency and

e. avoid forcible entry if possible unless appropriate to the emergency.

	Subject: Alarm Responses	Issue Date: 11/30/2015
	Chapter: 6	Revision Date: 06/01/2020
	Policy: 6.2 Reference: TBP: 7.26	Total Pages: 2 Chief Bunch's signature:

PATROL OPERATIONS – ALARM RESPONSES

I. POLICY

Alarms are a means of notifying the local law enforcement agency that a robbery or burglary is in progress when the use of a telephone is impractical or impossible. Officers shall exercise sound judgment and proceed with extreme caution when answering any type of alarm call.

II. PURPOSE

To establish a plan of action to be taken in response to activated alarms.

III. PROCEDURES (TBP: 7.26)

A. Activated Alarms

Dispatching/response/notification:

1. When a silent alarm signal is received, two units, if available, shall proceed immediately to the alarm location. Officers from other agencies will be requested if only one unit is on duty to respond.

2. Sirens should not be used.

3. The responding officer will request the appropriate dispatcher or communications personnel to attempt to establish telephone contact with persons at the alarm location except for BISD alarms during non-business hours.

4. If the telephone call goes unanswered, responding units shall be so advised.

B. BISD Alarms

1. All possible exit areas should be covered, inclusive of the roof.

2. If the facility is closed, the contact person on the call list shall be notified immediately.

3. A facility, showing no physical signs of break-in, shall be entered by at least two officers who shall conduct a complete and thorough search of the premises.

4. Officers at the scene knowing that a break-in has taken place and the perpetrator is still inside the building shall take the appropriate action to apprehend the suspect(s).

C. Robbery/Burglary

1. If a robbery or burglary has taken place and dispatch has the victim or reporting party on the telephone, they shall obtain any available information about suspect's description, mode and direction of travel and shall advise the business or home to keep everyone out except police personnel.

2. Officers shall proceed with caution in the event the suspects are nearby.

3. Secure crime scene and all physical evidence and summon appropriate personnel.

F. False Alarms

1. If responding officers determine the situation to be a false alarm they shall so advise dispatcher by telephone or radio.

	Subject: Domestic Violence	Issue Date: 11/30/2015
	Chapter: 6	Revision Date: 06/01/2020
	Policy: 6.3	Total Pages: 17 Chief Bunch's signature: 

PATROL OPERATIONS – DOMESTIC VIOLENCE

I. POLICY

The Department assigns domestic violence (domestic disturbance) calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership and caution in responding to domestic violence. An immediate legal response can make a major difference in the disputants' lives. With all due consideration for their own safety, Department personnel responding to a domestic disturbance call shall (1) end the conflict; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s) and (4) refer participants to appropriate agencies to help prevent future occurrences.

II. PURPOSE

To specify Department guidelines for action during incidents that involves family violence, protective orders, or both.

III. DEFINITIONS

A. Family - Texas Family Code Section 71.01 (b) (3) §17.003. Individuals related by consanguinity or affinity as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individual who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

B. Family Violence - Texas Family Code Section 71.01 (b) (2) §71.004. 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.

C. Household - Texas Family Code Section 71.01 (b) (4) §71.005. A unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.

D. Member of a Household - Texas Family Code 71.01 (b) (5) §71.006. A person who previously lived in a household.

IV. FAMILY VIOLENCE

A. General Responsibilities

1. Department personnel shall refer victims of domestic violence to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs and domestic violence shelters/programs.) Referrals may help prevent future disturbances.

2. Department personnel shall be trained about domestic violence and its impact. Personnel must be prepared to confront unexpected violence. Disturbance calls can be dangerous to responding officers. Officers are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.

B. Patrol Responsibilities

1. Upon arrival at scene obtain all available information from the dispatcher prior to and upon arrival.

2. Approaching the scene –

a. When possible, officers should arrive in pairs;

b. Avoid the use of sirens and other alarms in the vicinity of the scene. The assailant might be dangerous and could turn a weapon upon arriving officers;

c. Observe the location of the dispute before contacting the complainant. Consider surroundings. Park the marked car a short distance away.

d. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people and weapons).

e. Officers must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door when knocking. The unexpected may occur when the door opens.

3. Initial contact with occupant(s) –

a. Officers must identify themselves as police officers, give an explanation of the police presence, and request entry into the home (when conditions permit). Officers much ascertain identity of and ask to see the complainant.

b. If entry is refused, officers must explain that they must make sure there are no injured persons inside.

c. Refusal of entry or no response to knock at the door may require a forced entrance ***only*** if a lawful basis for entry exists. In making the decision to make a forced warrantless entry, officers shall evaluate the following elements:

(1) The degree of urgency involved and the time required obtaining a warrant;

(2) The possibility of danger to others including officers left to guard the site;

(3) Whether the suspected offense involved violence and

(4) Whether officers reasonably believe that persons may be armed.

d. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, ***either one*** may give a valid consent.

(1) A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried co-habitants. If one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.

e. Officers may also make a warrantless entry to conduct a limited search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist. (Example: The police believe that someone is in danger and in need of assistance.)

(1) Officers shall evaluate the following elements when considering a warrantless entry:

(a) The degree of urgency involved and the time required obtaining a warrant;

(b) The possibility of danger to others, including police officers left to guard the site;

(c) Whether the suspected offense is serious or involves violence and

(d) Whether officers reasonably believe that persons may be armed.

(2) Officers are reminded that they have a lawful right to investigate any situation that they might reasonably believe to be an emergency.

f. Once inside, officers establish control by:

(1) Inquiring about the nature of the dispute;

(2) Identifying disputants;

(3) Being aware of potential weapons in surroundings;

(4) Determining if persons are in other rooms, whether children or adult and the extent of their injuries. These persons should be separated from the parties involved and kept out of hearing range (so their status as possible witnesses won't be compromised).

(5) Protecting the victim from further abuse. Separate from the assailant and arrange for medical attention if victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment.

(6) Ascertain whether a protective order has been violated.

4. Interviewing the parties (disputants) –

a. Ensure safety and privacy by interviewing the victim in a place separate from the actor, if identifiable.

b. Critical to the success of the interview is the police officer's manner. Officers must listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals.

c. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances (fixed gazes or staring increase fear and hostility). A relaxed stance along with appropriate facial and head movements

demonstrates interest and encourages the victim to continue speaking.

d. If possible, separate the parties so that they can individually describe the incident without interruption (this may help the parties relieve emotional tension).

e. After the parties have given their statements, the officers should ask about details for clarification and summarize the stated account (which allows the parties to point out anything that might be misrepresented).

5. Interviewing witnesses –

a. Interview any witnesses to the incident (children, other family members or neighbors) as soon as possible.

b. Remember that witnesses may be experiencing significant emotional crisis that might influence the accuracy of their accounts.

c. If witnesses provide information about prior assaults, document them to help establish a pattern.

d. Children of disputants should be interviewed with care and kindness. Sit, kneel or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

C. Requirements of Officers

1. Texas Code of Criminal Procedure, Article 5.03. Family or household relationship does not create an exception to official duties. (Domestic violence: family or household relationship no exception.) A general duty prescribed for an officer by Chapter 2 of this code is not waived or accepted in any family violence case or investigation because of a family or household relationship between an alleged violator and the victim of family violence. A peace officer's or a magistrate's duty to prevent the commission of criminal offenses, including acts of family violence is not waived or excepted because of a family or household relationship between the potential violator and victim.

2. Texas Code of Criminal Procedure, Article 5.04. Duties of Peace Officers † [Peace officers: duties.] (The Notice to Adult Victims of Family Violence Form shall serve as "written notice" as required by Article 5.04 (b)).

(a) The primary duties of a peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence are to protect any potential victim of family violence, enforce the law of this state, enforce a

protective order from another jurisdiction as provided by Chapter 88, Family Code and make lawful arrests of violators.

(b) A peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence shall advise any possible adult victim of all reasonable means to prevent further family violence, including giving written notice of a victim's legal rights and remedies and of the availability of shelter or other community services for family violence victims.

3. Texas Code of Criminal Procedure, Article 14.03 - Authority of Peace Officers. Any peace officer may arrest without warrant:

(a) Persons who the peace officer has probable cause to believe have committed an assault resulting in bodily injury to a member of the person's family or household.

D. Reporting

1. Texas Code of Criminal Procedure, Article 5.05. Reports and Records

(a) A peace officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence shall make a written report, including but not limited to:

(1) The names of the suspect and complainant;

(2) The date, time and location of the incident;

(3) Any visible or reported injuries and

(4) A description of the incident and a statement of its disposition.

(b) Each local law enforcement agency shall establish a departmental code for identifying and retrieving family violence reports as outlined in Subsections (a) of this section. A district or county attorney or an assistant district or county attorney exercising authority in the county where the law enforcement agency maintains records under this section is entitled to access to the records.

(c) In order to ensure that officers responding to calls are aware of the existence and terms of protective orders, each municipal police department and sheriff shall establish procedures within the department or office to provide adequate information or access to information for law enforcement officers of the names of persons protected by a protective order and of persons to whom protective orders are directed.

(d) Each law enforcement officer shall accept a certified copy of an original or modified protective order as proof of the validity of the order and it is presumed the order remains valid unless:

(1) The order contains a termination date that has passed;

(2) It is more than one year after the date the order was issued or

(3) The law enforcement officer has been notified by the clerk of the court vacating the order that the order has been vacated.

(e) A peace officer who makes a report under Subsection (a) of this article shall provide information concerning the incident or disturbance to the bureau of identification and records of the Department of Public Safety for its recordkeeping function under Section 411.042, Government Code. The bureau shall prescribe the form and nature of the information required to be reported to the bureau by this article

2. If the officer discovers that a state or municipal law has been violated while the family violence was in progress, the report shall allege the proper criminal charge and shall be followed by the phrase "Family Violence" in parentheses.

3. Each Family Violence report shall be accompanied by, but not attached to, the completed Uniform Crime Reporting (UCR) Family Violence Form. These forms should be mailed to the UNIFORM CRIME REPORTING Bureau at the Department of Public Safety in Austin as prescribed by law.

4. If an officer responds to a report of any disturbance between members of a family or household and no criminal offense is discovered or alleged no report need be completed. An officer may, using discretion or at the order of a supervisor, write an information report for internal use if there is some need to document the incident. A Uniform Crime Reporting (UCR) - Family Violence Form shall not be completed in disturbances between members of a family or household where no use of force, threat of force, or other criminal violation is discovered alleged.

E. Issuing of Emergency Protective Order

Any officer who has probable cause to believe that violence will continue shall make application to a magistrate for the issuance of an Emergency Protective Order.

F. Detention of Certain Persons

1. If any person who has been arrested or held without a warrant in the prevention of family violence and, if there is probable cause to believe that violence will continue once released, the officers of this Department shall hold the person for a period of up to four hours ***after bond has been posted.***

2. At the discretion of a supervisor, the Department may solicit a magistrate, based upon probable cause, to extend the detention period for up to another twenty-four hour period.

3. A copy of all magistrates' orders will be maintained in the Chief's office.

G. Release Notification

It shall be the responsibility of the on-duty supervisor or the supervisor's designee to notify the victim of a family violence incident prior to the release of the arrested person(s). The notification shall be documented on the arrest sheet as described: Time, Date and Officer.

V. RECEIPT OF PROTECTIVE ORDERS

Any protective order received at the Department shall be immediately delivered to the Chief of Police or the Chief's designee. The Chief of Police shall immediately interpret the protective order. The purpose of the interpretation is to assist officers in the field in determining what provisions are criminally enforceable and contains the following:

1. Name of applicant;

2. Name of respondent;

3. Date of issue;

4. Date of expiration;

5. Issuing court;

6. Issuing judge;

7. Issuing attorney;

8. Criminal restrictions and provisions and

9. Names of all members of the family or household protected by the order.

VI. WHAT CONSTITUTES A VIOLATION OF A PROTECTIVE ORDER

Refer to Texas Penal Code, Section 25.07 - Violation of a Protective Order. Note that the criminal provisions which constitute a violation of a protective order are separate from one another and any one of them may constitute a violation.

VII. PATROL OFFICER'S INITIAL RESPONSE

A. Officers who respond to calls for service and are informed that any person involved is subject to a protective order shall, without leaving the scene, attempt to verify the information and investigate to discover whether or not an offense has taken place. Verification can be made by:

1. Examining a certified copy at the scene, if available and/or

2. Contacting the Communications Center and obtaining the information from the copy on file.

B. Texas Code of Criminal Procedure, Article 5.05 (d) - Reports and Records

1. A peace officer who investigates a family violence incident or who responds to a disturbance call that may involve family violence shall make a written report, including but not limited to:

(a) The names of the suspect and complainant;

(b) The date, time and location of the incident;

(c) Any visible or reported injuries and

(d) A description of the incident and a statement of its disposition.

(e) Each local law enforcement agency shall establish a departmental code for identifying and retrieving family violence reports as outlined in Subsections (a) of this section. A district or county attorney or an assistant district or county attorney exercising authority in the county where the law enforcement agency maintains records under this section is entitled to access to the records.

(f) In order to ensure that officers responding to calls are aware of the existence and terms of protective orders, each municipal police department and sheriff shall establish procedures within the department or office to provide adequate information or access to information for law enforcement officers of the names of persons protected by a protective order and of persons to whom protective orders are directed.

(g) Each law enforcement officer shall accept a certified copy of an original or modified protective order as proof of the validity of the order and it is presumed the order remains valid unless:

(1) The order contains a termination date that has passed;

(2) It is more than one year after the date the order was issued or

(3) The law enforcement officer has been notified by the clerk of the court vacating the order that the order has been vacated.

(h) A peace officer who makes a report under Subsection (a) of this article shall provide information concerning the incident or disturbance to the bureau of identification and records of the Department of Public Safety for its recordkeeping function under Section 411.042, Government Code. The bureau shall prescribe the form and nature of the information required to be reported to the bureau by this article

2. Acceptance of certified copy and verifying validity. If an officer is presented a certified copy of an order that has not yet been interpreted by the Chief of Police or the Chief's designee, the officer shall examine the order with the assistance of a supervisor to determine exactly what provisions are criminally enforceable. The officer/supervisor shall consider the following guidelines in making that determination:

(a) If the order is a "temporary ex parte" order generally no arrest can be made for violation of its provisions.

(b). The spelling of the names of the applicant and respondent should be checked against the identities of the parties alleged to have been involved.

(c). The order may prohibit the respondent from engaging in numerous activities, however, the only actions which are criminally enforceable are those described in Texas Penal Code, Section 25.07 (a), "Violation of a Protective Order." The order must state that one or all of these acts is prohibited.

(d). If the order prohibits the respondent from going to or near the residence, place of employment, business, child care facility or school of a person protected by the order, the officer/supervisor should check to make sure that the order does not contain a provision allowing such approach for child visitation reasons.

(e). To be criminally enforceable, the order must contain the three warnings described in the Texas Family Code. Section 85.026(b), "Warning on Protective Order," which reads:

A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS $4,000.00 OR BY CONFINEMENT IN JAIL FOR AS ALONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST 2 YEARS.

(f). If there is no expiration date, the officer/supervisor shall check to see that the order's date of issue is not more than two years old. Texas Family Code §85.025 If the order was issued more than two years prior to the officer's review, the order is not enforceable.

C. If a person has violated one of the criminal provisions in a protective order [Texas Penal Code § 25.07(a)], a criminal offense has been committed and action shall be taken by the responding officer.

1. Offense in the officer's presence - An arrest shall be made and a complete report shall be written including the taking of field statements when appropriate.

2. Offense not in officer's presence - Texas Code of Criminal Procedure, Article 14.03 (a) (3) - Authority of Peace Officers (To make arrest without warrant when probable cause exists to believe that a protective order has been violated). (a) Any peace officer may arrest, without warrant; (3) Persons who the peace officer has probable cause to believe have committed an offense defined by Section 25.07, Penal Code (violation of Protective Order), or by Section 38.112, Penal Code (violation of Protective Order issued on basis of sexual assault), if the offense is not committed in the presence of the peace officer.

(a). A complete report shall be written including the taking of field statements when appropriate.

(b). An attempt to locate shall be broadcast and enforcement action can be taken if the respondent is located within a reasonable amount of time. A "reasonable amount of time" will vary according to the circumstances and will rely on normal standards of probable cause and the ability to procure a warrant.

D. An officer shall consult with the officer's supervisor or the appropriate prosecuting authority in any case in which there is some doubt as to whether an arrest is appropriate and shall as soon as practical inform a supervisor that an arrest has been made for Violation of a Protective Order.

VIII. TYPES OF PROTECTIVE ORDERS

A. There are four basic types of protective orders which can be criminally enforced Texas Penal Code § 25.07.

1. Family Violence Protective Order - Orders issued under Texas Family Code, Chapter 85.

a. May have same criminal provisions as Texas Penal Code § 25.07(a).

b. Valid up to, but not more than, one year.

c. If no expiration date appears on the order, presume it to expire one year from date of issue.

d. Agreed Order - Texas Family Code, Section 85.005 Agreed Orders.

(1) To facilitate settlement, the parties to a proceeding may agree in writing to the terms of a protective order as provided by Section 85.021. An agreement under this subsection is subject to the approval of the court.

(2) To facilitate settlement, a respondent may agree in writing to the terms of a protective order as provided by Section 85.022, subject to the approval of the court. The court may not approve an agreement that requires the applicant to do or refrain from doing an act under Section 85.022.

(3) If the court approves an agreement between the parties, the court shall render an agreed protective order that is in the best interest of the applicant, the family or household or a member of the family or household.

(4) An agreed protective order is not enforceable as a contract.

(5) An agreed protective order expires on the date the court order expires.

(a) Two or more parties agree in writing to do or refrain from doing any act that the court orders.

(b) Criminally enforceable in the same manner as protective orders.

2. Protective Order in Divorce Proceeding – Texas Family Code, Section 6.504. Protective Order

a. To facilitate settlement, the parties to a proceeding may agree in writing to the terms of a protective order as provided by Section 85.021. An agreement under this subsection is subject to the approval of the court.

b. To facilitate settlement, a respondent may agree in writing to the terms of a protective order as provided by Section 85.022, subject to the approval of the court. The court may not approve an agreement that requires the applicant to do or refrain from doing an act under Section 85.022.

c. If the court approves an agreement between the parties, the court shall render an agreed protective order that is in the best interest of the applicant, the family or household or a member of the family or household.

d. An agreed protective order is not enforceable as a contract.

e. An agreed protective order expires on the date the court order expires.

(1). Used during the term of divorce proceedings and usually included in divorce temporary orders issued by the judge should be in a separate document entitled "Protective Order." Texas Family Code §85.004

(2). Has available the same criminal provisions found in orders issued under Chapter 85 of Texas Family Code.

B. Modified Protective Orders - Texas Family Code, Section 87.001. Modification of Orders (With exception of period of validity, order may be modified by the court and still be valid and criminally enforceable).

C. Ex Parte Orders - A temporary ex parte order is generally *not* criminally enforceable and no arrest can be made for any of its provisions - Texas Family Code § 83.001

D. Exclusion Orders

1. An ex parte order may be entitled "Exclusion Order" and may order the Chief of Police to carry out the provisions described in the Texas Family Code, Section 71.15 (i) - Temporary Orders

2. If an exclusion order applies to our Department it shall be treated as a protective order.

3. If a respondent refused to vacate after being informed that the court has ordered the respondent's exclusion, the officer shall write a report entitled "Violation of a Court Order" and a copy shall be forwarded to the appropriate judge. The officer shall ***not*** make an arrest for violation of the order until a warrant of arrest has been issued.

IX. FAMILY VIOLENCE PROTECTIVE ORDERS

A. GENERAL DEFINITIONS

1. Emergency Protective Order – An order issued by a magistrate at the time of a defendant's appearance after an arrest for an offense of family violence or an offense of stalking. An emergency protective order remains in effect until at least the 31st, but no more that the 61st, day after issuance - Texas Code of Criminal Procedure §17.292

2. Family Violence – An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, or assault, or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, or assault, excluding the reasonable discipline of a child by a person having that duty or family violence may refer to the abuse of a child of the family or household by a member of the family or household.

3. Protective Order – An order issued by a court after a formal hearing, against a specifically named individual; valid for a period of time not to exceed two years - Texas Family Code § 85.025

4. Temporary Protective Order – An order issued by a court against a specifically named individual, valid for a period of time not to exceed 20 days; legally known as an "Ex Parte" order; may be reconsidered by the court for an extension of another 20 days on a specific date listed in the order - Texas Family Code § 83.001.

X. PROCEDURES

A. Characteristics of Family Violence Protective Orders

1. Temporary Protective Order (Temporary Ex Parte Order)

a. Is not enforceable by peace officers under Section 25.07 of the Texas Penal Code.

b. Violation of a Temporary Protective Order is a violation of a court order.

c. May require police involvement on a restricted basis depending upon the wording of the order. Example: Civil Standby, Texas Code of Criminal Procedure § 5.045.

2. Emergency and Protective Orders

a. Are enforceable by peace officers under Section 25.07, if the order specifically stipulates the action as a violation of the order And the action is a violation of Section 25.07 of the Texas Penal Code.

b. A person commits an offense if, in violation of a protective order, the person knowingly or intentionally:

(1) Commits family violence, or

(2) Directly or indirectly communicates with a member of the family household in a threatening or harassing manner, or if the order prohibits any communication with a member of the family or household, communicates in any manner except through the person's attorney or a person appointed by the court or

(3) Goes to or near any places specifically described in the protective order - Texas Code of Criminal Procedure §17.292 and §25.07.

c. Officer's duty to enforce

(1) The officer's duty to prevent a criminal offense is not waived because of a household relationship between the potential violator and the victim - Texas Code of Criminal Procedure §5.03

(2) Officers must accept a certified copy of a permanent protective order as proof of validity of the order, regardless of whether the order is on file with the Department - Texas Code of Criminal Procedure §5.05(d)

(3) A protective order issued from another state shall be enforced as if it were issued from a Texas Court, as long as the protective order has not expired, and a person protected by the order states that it is still in effect - Texas Family Code §86.005 and 88.001

(4) Any peace officer may arrest, without warrant, persons who the officer has probable cause to believe have violated Section 25.07 of the Penal Code if the violation is not committed in the presence of the officer - Texas Code of Criminal Procedure §14.03(a) (3).

(5) A peace officer shall arrest, without a warrant, a person the peace officer has probable cause to believe has committed an offense under Section 25.07, Penal Code, if the offense is committed in the presence of the peace officer - Texas Code of Criminal Procedure §14.03(b).

d. Request for an Emergency Protective

(1) The law allows a magistrate to issue an order for emergency protection of a victim(s) when the defendant of an offense of family violence or stalking appears for arraignment after arrest. The magistrate may do so on the magistrate's own motion or at the request of the victim, the victim's guardian, a peace officer or an attorney representing the state - Texas Code of Criminal Procedure §17.292.

B. Administrative Procedures

1. All Family Violence Protective Orders received at the Department are forwarded to the Chief or the Chief's Designee. Copies of the order are sent to Communications and patrol sergeant.

2. Information is maintained on file in the following areas:

a. Public Safety Communications – entered by name of the person the order was issued against into the "locals" file and the "index" file of the RMS system by Communications.

C. Operational Procedures Regarding Family Protective Orders

1. Information concerning protective orders is forwarded to appropriate sector and beat personnel.

2. Officers must notify Communications of valid protective orders not on file with the Department as they become aware of them on service calls. Officers should obtain sufficient information including the "cause number" and issued court for entry into the RMS system.

3. Reporting Procedures

a. An Offense Report must be completed if:

(1) A violation of a valid emergency or permanent protective order has occurred or

(2) Any other violation of state law is to be filed by the officer or the complainant Texas Code of Criminal Procedure Art. 5.05.

b. An Information Report must be completed if a temporary protective order is in place and no violations other than those stated in the temporary order are observed and the complainant does not wish to file other charges.

c. A call for service should be completed if the Department has received a family or associated disturbance call but neither an Offense Report nor an Information Report is required.

d. Article 5.05 of the Code of Criminal Procedure mandates our agency report all incidents of family violence within our jurisdiction. A Family Violence Report (Attachment) must be complete for all incidents of family violence.

4. Notice of Assistance Available

a. Officers responding to calls that may involve family violence are required to advise any possible adult victim of all reasonable means to prevent further family violence including:

(1) Written notice of a victim's legal rights, remedies and

(2) Available shelters or other community services for family violence victims - Texas Code of Criminal Procedure Art. 5.04.

b. Such notification is contained on printed handouts provided to all patrol personnel.

5. Upon the request of a licensed firearms dealer, the Department will provide information on the existence of an active protective order on a "Prospective Transferee" in order to prevent a prohibited handgun transfer - Texas Family Code §86.002.

	Subject: Body Armor	Issue Date: 11/30/2015
	Chapter: 6	Revision Date: 06/01/2020
	Policy: 6.4 Reference: TBP: 7.23	Total Pages: 3 Chief Bunch's signature:

PATROL OPERATIONS – BODY ARMOR

I. POLICY

It is the policy of the Bastrop ISD Police Department to maximize officer safety through the use of body armor in combination with the prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

II. PURPOSE

To provide officers of this Department with guidelines for the proper use and care of body armor.

III. DEFINITIONS

Field Activities: Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities.

IV. PROCEDURES

A. Issuance of Body Armor

1. All body armor issued must comply with protective and related requirements prescribed under current standards of the National Institute of Justice.

2. All officers shall be issued agency approved body armor.

3. Body armor that is worn or damaged shall be replaced by the agency. Body armor that must be replaced due to misuse or abuse by the officer shall be paid for by the officer.

B. Use of Body Armor (TBP:7.23)

1. Officers shall wear only agency approved body armor.

2. Body Armor shall be worn by recruit officers during field training.

3. Officers that are assigned to a uniformed function are required to wear body armor while engaged in field activities both on duty and during off-duty employment unless exempt as follows:

   a. When an agency approved physician determines that an officer has a medical condition that would preclude wearing body armor.

   b. When the officer is involved in undercover or plain clothes work that the officer's supervisor determines could be compromised by wearing body armor; or

   c. When the Department determines that circumstances make it inappropriate to mandate wearing body armor.

4. Plain clothes officers are not required to wear body armor unless specifically engaged in a high risk or critical incident response.

5. All officers are required to wear body armor during weapons qualifications.

C. Inspections of Body Armor

1. Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy through routine observation.

2. Annual inspections of body armor shall be conducted for fit; cleanliness; and signs of damage, abuse and wear.

D. Care, Maintenance, and Replacement of Body Armor

1. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness.

2. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.

3. Officers are responsible for the proper storage, maintenance, and care of body armor in accordance with manufacturer's instructions.

4. Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and the individual responsible for the uniform supply function.

5. Body Armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.

E. Training – The training officer shall be responsible for:

1. Monitoring technological advances in the body armor industry that may necessitate a change in body armor.

2. Assessing weapons and ammunition currently is use and the suitability of approved body armor to protect against those threats.

3. Providing training programs that demonstrate body armor's stopping power under actual firing conditions and that emphasize its safe and proper use.

4. Maintaining statistics on incidents where armor has or has not protected officers from harm including traffic accidents.

	Subject: Mobile Data Terminal and CJIS Security	Issue Date: 11/30/2015
	Chapter: 6	Revision Date: 05/01/2020
	Policy: 6.5	Total Pages: 2 Chief Bunch's signature:

PATROL OPERATIONS – MOBILE DATA TERMINAL AND CJIS SECURITY

I. POLICY

It shall be the policy of the Bastrop ISD Police Department to protect the integrity of the CJIS database and all data and information obtained through use of Mobile Data Terminal and/or hard-wired terminals by strictly following the procedures outlined in this policy.

II. PURPOSE

To establish guidelines for use and security for the department-issued Mobile Data Terminal (MDT) equipment and related CJIS information. Failure to comply with this policy can result in disciplinary action.

III. DEFINITIONS

A. MDT - Mobile Data Terminal: This term includes all computers that have access, via wireless or hardwired network, to TLETS, TCIC, NCIC or any law enforcement database.

B. Secure Location: This term includes the areas of the Bastrop ISD Police Department that are not open to the public that have been properly marked by "Authorized Personnel Only" signs. This term also includes official police vehicles that are locked and/or attended by authorized sworn police personnel.

C. Non-Secure Location: This term includes all locations not defined as "secure locations".

IV. PROCEDURES

A. CJIS, TLETS, TCIC and NCIC data shall be accessed ONLY from secure locations, as defined above.

B. Each person authorized to access MDT data shall receive security awareness and NCIC/TCIC training within six months of appointment or employment and thereafter at least every two years, in accordance with CJIS policy, and said training will be documented.

C. Visitors to secure areas will be escorted by authorized personnel at all times.

D. When transporting non-law enforcement personnel in police vehicles, officers will close the screen of the MDT or position it in a manner that will prevent unauthorized viewing of MDT data. At any time there are non-law enforcement personnel near the police vehicle, on a motor vehicle stop or while the officer is on a call, the screen to MDT will remain closed.

E. Changes in authorized personnel will be immediately reported to TCIC Training section.

F. All printouts of CJIS data shall be promptly filed with the corresponding incident records. Otherwise, such printouts should be promptly shredded using a cross-cut shredder.

G. All storage media containing or used for CJIS data that is no longer used shall be secure-formatted using methodology that overwrites all data in three iterations and then the disk shall be physically destroyed.

H. The Department shall keep a list of all wireless device ID's and vendor telephone contact numbers so that the devices can be promptly disabled, should the need arise.

I. The local CJIS network equipment room shall be securely locked when not occupied.

J. All vehicles containing MDTs shall be securely locked when not in use. When a vehicle containing an MDT is not in use, during an officer's off time, the MDT must be removed from the vehicle, if left parked outside, and secured inside of the officers' residence or inside of the police department. If the patrol vehicle is parked in an officers' garage it may be left secured inside of that vehicle. This includes any time that the officer has approved maintenance work done to their vehicle.

K. All equipment used for processing CJIS data shall have anti-virus software installed and updated on a daily basis, and the MDT firewall shall be enabled at all times.

L. It shall be the responsibility of each authorized user to report any violations of this security policy to the Chief or the Chief's designee.

	Subject: Motor Vehicle Towing and Inventory	Issue Date: 11/30/2015
	Chapter: 6	Revision Date: 06/01/2020
	Policy: 6.6	Total Pages: 7 Chief Bunch's signature:

PATROL OPERATIONS – MOTOR VEHICLE TOWING AND INVENTORY

I. POLICY

It shall be the policy of the Bastrop ISD Police Department that motor vehicles which are lawfully towed, removed, impounded or stored at the direction of the police officers or placed in the custody of the police department shall be inspected and inventoried according to the procedures in this policy.

A motor vehicle inventory is an administrative measure designed to:

- Protect the motor vehicle as well as any personal property contained in such vehicle
- Protect the police and tow contractor against claims arising from property allegedly lost or stolen while in police custody and
- Protect department personnel and the public from injury or property damage due to dangerous items or substances that may be contained in the vehicle

This Policy and procedure does not apply to searches conducted for the purpose of discovering evidence. Consult this departments' policy regarding searches and seizures where the examination of a motor vehicle or its contents is to be conducted with an investigatory motive.

II. PURPOSE

The purpose of this policy is to establish a uniform procedure for the inventory and impound of vehicles. This policy is also intended to protect the property of the vehicle's owner, protecting police against claims of disputes over lost or stolen property and protecting the police from danger.

III. DEFINITIONS

A. Impound - To take into custody of the law.

B. Inspection - An examination of the exterior and interior of the vehicle for damaged or missing parts.

C. Inventory - An examination and listing of all areas of the vehicle in which personal property may reasonably be found including but not limited to the passenger compartment, trunk, glove box etc. This term does not include any item (briefcase, purse, box or similar container) found inside of the passenger compartment that is locked by any additional means *i.e.:* padlock or combination lock.

IV. PROCEDURES

A. Officers are authorized to remove, or cause to remove vehicles within their jurisdiction when:

1. The vehicle was stolen or taken without consent of the owner.

   a. Determine if the vehicle is to be held for evidentiary purposes by notifying the law enforcement agency reporting the stolen vehicle. If so, the vehicle will be removed, towed and secured at an approved storage location until processing can be completed.

   b. If impoundment is not necessary for evidentiary purposes, contact the owner and request owner to come to the recovery scene to claim the vehicle. If the owner is unable to respond immediately the car will be removed, towed and impounded at the tow company's storage facility.

2. The vehicle is abandoned, unattended, inoperable and on the roadway and obstructing the flow of traffic.

3. The operator of the vehicle is physically arrested and the vehicle would be left unattended in a public access area or public roadway.

   a. Officers shall not remove an arrested subject's vehicle if properly parked in a private owned parking area unless posted as no trespassing or absent a request from the owner/representative to remove said vehicle.

   b. A lawful inventory is contingent on the propriety of the impoundment of the vehicle. The impoundment for non-investigatory reasons is generally justified if supported by public safety concerns, danger, theft or potential harm or vandalism if left unattended.

c. If the arrestee is accompanied by a licensed driver and the arrestee wishes to release the vehicle to this person the officer shall comply unless presented with a reason for continuing the impoundment.

4. The vehicles operator is not properly licensed and there are no properly licensed occupants.

5. The vehicle is not properly registered or is uninsured.

6. The vehicle, in its current condition, is too unsafe or dangerous to operate.

7. Adverse weather conditions or other emergency reasons necessitate the removal in the interest of public safety.

8. The operator is unable to remove the vehicle from a public location without continuing its illegal operation.

B. Responsibility

1. It is the responsibility of the officer directing that a vehicle be towed, removed, impounded, stored or the officer acting on behalf of the department in accepting custody of a vehicle shall inspect and inventory the vehicle and its contents unless the responsibility for the same has been properly transferred to another officer.

2. Officers are responsible to take reasonable steps to notify the registered owner of the vehicle whenever a vehicle is removed, towed or impounded.

C. Abandoned, Unattended or Inoperable Vehicles

1. When an officer locates an abandoned or unattended vehicle, the officer should:

a. Determine if the vehicle is a traffic hazard

b. Attempt to identify, locate or contact the owner or operator

c. Remove, tow and/or impound the vehicle if it is a traffic hazard

d. Provide traffic direction and control as needed

2. Any officer who removes, tows, impounds or stores an abandoned or unattended vehicle will check to see if the vehicle is stolen and will take reasonable steps to determine and notify the registered owner regarding the impoundment.

3. If the vehicle is not a traffic hazard and the owner or operator cannot be contacted the officer shall refer the vehicle to code enforcement, who will handle the vehicle in accordance to the state law for abandoned vehicles.

4. If the vehicle is determined by the officer that the vehicle is a traffic hazard the officer may immediately tow / impound the vehicle.

5. At the time of the tow/impound of an abandoned or unattended vehicle the officer will conduct a visual inspection of any and all damage to the exterior of the vehicle and document any findings on the vehicle inventory form.

6. If the vehicle is unsecured the officer may enter the vehicle to complete the required inventory of the vehicle as per this departments' policy.

7. If the vehicle in secured, a visual inventory of the interior compartments will be conducted and all visible items will be listed on the inventory. The fact that the vehicle was secured will be notated on the inventory form stating that the vehicle was secured at the time of the tow/impound.

8. The inventory shall be documented on an approved vehicle inventory form.

D. An inventory shall <u>not</u> be conducted in the following situations:

1. The vehicle is disabled, either by mechanical failure or as a result of damage resulting from a motor accident, where the owner/operator is present and makes satisfactory arrangements to have the vehicle removed by someone other than the department's on-call tow company.

2. The vehicle is towed by the next rotation tow company and the owner/operator accompanies the tow.

3. The vehicle is released to a licensed driver at the scene and the operator that was initially stopped at the scene is accompanying the vehicle when released.

E. Inspection and Inventory

1. The standard inventory process will consist of an inspection and inventory of the following areas to include any and all containers. Officers must be specific in identifying inventoried items of value. General terms such as "miscellaneous property" will not be used. All damaged or missing parts shall be documented on the inventory form.

    a. Exterior – The exterior of the vehicle shall be inspected for missing or damaged parts to include:

        i. Front of the vehicle

        ii. Passenger side

        iii. Rear of vehicle

        iv. Driver side

        v. Surface of the hood

        vi. Roof

        vii. Trunk

        viii. Undercarriage

        ix. Tires

        x. Engine compartment

    b. Interior

        i. The interior shall be inventoried according to the major areas of the vehicle. This includes visors, glove box, under seats, console, dash, rear deck and any space behind the rear seat.

        ii. If the glove box or trunk is locked and the officer cannot open them with a key or from within the vehicle these areas shall not be inventoried and notations should be made on the inventory form.

iii. In many vehicles, a locked trunk may be opened from within the vehicle. In this case the trunk shall be opened and inventoried.

iv. For vehicles where the trunk is locked and no key is available, but the trunk may be accessed by folding down the rear seat, this shall be done and the contents inventoried.

v. Any unlocked container found inside or on a vehicle subject to an inventory shall be opened and the contents listed.

vi. When there is a live animal in the vehicle, animal control shall be notified to take charge of the animal, unless the owner/operator of the vehicle makes other arrangements.

vii. If a locked container is located inside of the vehicle and a key or lock combination is available, the container shall be opened and its contents inventoried and documented. All locked containers which cannot be opened shall be noted on the inventory form and shall not be forced open.

F. Warrant required

1. In the event that a vehicle is evidence of a crime guidelines for securing a warrant will be followed.

2. If there is probable cause that any locked container inside of the vehicle contains explosives, weapons, fruits of a crime or any other illegal substance a search warrant shall be obtained unless exigent circumstances make the delay impractical.

G. Discovery of Evidence of a Crime

1. While the purpose for an inspection and inventory of a motor vehicle is not to discover evidence of a crime, such evidence may be found inadvertently and is admissible so long as the inventory is conducted in accordance with this policy, state and federal law.

2. Any article discovered as a result of a motor vehicle inventory may be seized if it is deemed to be:

    a. Contraband
    b. Fruits of a Crime
    c. Instruments of a Crime

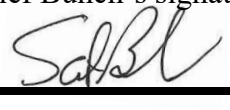
H. Tow operations

1. If a vehicle is to be removed the officer shall notify communications of the registration, location and type of vehicle.

2. Communications shall then summon the tow truck. Involuntary tows will only be performed by a company approved by this department. During a voluntary tow the owner/operator in charge of the vehicle may request a towing company, the request shall be granted and attempts will be made to contact the company for immediate removal. If the requested company does not show up, or if it cannot tow the vehicle within a reasonable period of time, the department's pre-approved tow company shall be utilized in order to expedite removal. Requests will not be honored if there is urgency in removing the vehicle.

3. The vehicle will be stored at the towing company's facility unless the vehicle in question is going to be attempted to be seized. In that event the vehicle in question will be towed to an authorized district or law enforcement location and stored until a disposition is provided by the courts.

4. Communications shall record all vehicles removed, stored, or towed at the direction of an officer.

	Subject: Bias-Based Policing	Issue Date: 11/30/2015
	Chapter: 6	Revision Date: 06/01/2020
	Policy: 6.7 Reference: TBP: 2.01	Total Pages: 6 Chief Bunch's signature: 

Bias-Based Policing

I. POLICY

The Bastrop ISD 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 community 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 on the basis of race, sex, gender, national origin, ethnicity, age or religion. All people carry biases: in law enforcement, however, the failure to control our biases can lead to illegal arrests, searches and detentions, thus thwarting the mission of our department. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in a community that is very diverse in population: respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions officers shall be able to articulate specific facts, circumstances and conclusions which 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, religion, economic status, age, cultural group or any other identifiable group. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

II. PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate. This policy meets state mandate requirements in the Texas Code of Criminal Procedures, Article 2.132(b), requiring each law enforcement agency in this state to adopt a policy on Racial Profiling.

III. DEFINITIONS

Most of the following terms appear in this order. 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: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience or education.

B. Biased-Policing: Stopping, detaining, searching, attempting to search, or using force against a person based upon the person’s race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

C. Ethnicity: A cluster of characteristics which may include race but also cultural characteristics or traits which 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: Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed and that the suspect has committed it.

F. Race: A category of people of a particular decent, including Caucasian, African, Hispanic, Asian or Native American descent. As distinct from ethnicity, race only refers 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: Articulable, objective facts which lead an experienced officer to suspect that a person has committed, is committing or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable".

I. Sex: A biological classification, male or female, based on physical and genetic characteristics.

J. Stop: The detention of a subject for a brief period of time based on reasonable suspicion. A stop is an investigative detention.

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. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention 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.

3. 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.

4. 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 complaints process and shall give copies of "How to Make a Complaint" when appropriate.

5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on an individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel shall thank the individual for cooperating.

6. When feasible, all personnel shall identify themselves by name. When a person requests the information, all personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.

7. 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 of their duties. 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 the 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 laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences.

5. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.

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.

7. Supervisors shall facilitate the filing of any complaints about law enforcement service.

C. Disciplinary consequences

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

D. Training (TBP: 2.01)

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

V. COMPLAINTS

A. The department shall publish "How to Make a Complaint" folders and make them available at all district facilities and other public locations throughout the district. The department's complaint process and its bias-based profiling policy will be posted on the department's website. Whenever possible, the 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 4.7.

C. Complainants will be notified of the results of the investigations when such investigation is completed.

VI. RECORD KEEPING

A. The department will maintain all required records on traffic stops whether a citation/warning is issued or where an arrest is made subsequent to a traffic stop pursuant to state law.

B. The information collected above will be reported to the school board annually as per State Statute.

C. The information will also be reported to TCOLE in the required format, pursuant to Texas Code of Criminal Procedure, Article 2.132, Article 2.132, and Article 2.134 Law Enforcement Policy on Racial Profiling.

	Subject: In-Car Camera – Body Camera- Motorola Solutions WatchGuard	Issue Date: 11/30/2015
	Chapter: 6	Revision Date: 10/30/2026
	Policy: 6.8	Total Pages: 4 Chief Bunch's signature:

In- Car Camera – Body Camera

I. Policy

Video/audio recording equipment has been demonstrated to be of value in the prosecution of traffic violations and related offenses, in evaluation of officer performance as well as in training. It is the policy of the Bastrop ISD Police Department that members assigned audio/video recording equipment will utilize the equipment for the purpose of collecting evidence that will be used in the prosecution of those who violate the law and to enhance officer safety. The equipment can be used for any lawful police purpose.

II. Purpose

The purpose of this policy is to provide the Bastrop ISD Police Department with guidelines for the use, management, storage and retrieval of audio-visual recorded by the Motorola Solutions WatchGuard In-Car and Body camera system. To provide officers with a supplemental device that will extend the audio/video recording capability to be used in the field.

III. Procedures

A. Program Objectives

1. This agency has adopted the use of Motorola Solutions WatchGuard In-Car and Body camera systems to accomplish the following

   a. To provide an accurate depiction of events for evidence collection and future courtroom presentation.

   b. To accurately capture statements and events during the course of citizen contacts and incidents that may occur during their tour of duty.

c. To enhance the Officer's ability to document and review statements and actions for report purposes and courtroom presentation.

d. To provide an impartial measurement for self-critique and field evaluation during recruitment and new officer training.

e. To be used as an investigative tool to capture audio/video information and to further existing investigations.

B. Officer Responsibility

1. The officer is assigned a Motorola Solutions WatchGuard In-Car and Body camera system and is required to wear it and is responsible for the care and custody of that equipment.

2. Prior to each shift officers shall determine whether their audio/video equipment is working properly.

a. An officer is required to report any malfunctions of the recording equipment to their supervisor as soon as possible.

b. The officer shall immediately pull the device from service and notify their immediate supervisor who will make arrangements through the chain of command for repair or replacement as soon as reasonably possible. The designated department representative shall contact Motorola Solutions WatchGuard. The department shall appoint only one person to communicate with Motorola Solutions WatchGuard to improve communications. This person should be knowledgeable of Motorola Solutions WatchGuard video system operationally and technically.

c. The malfunction of the audio/video equipment does not prevent an officer from continuing the officer's shift or assigned duties.

3. Officers shall never attempt any repair of the equipment that would require going into the internal parts of the audio/video recording equipment.

4. In the event an officer is involved in an event that renders the officer incapacitated the first responding officer on the scene or the officer's immediate supervisor is required to seize and/or protect the recording equipment.

5. The Motorola Solutions WatchGuard In-Car and Body Camera audio/video recording equipment will be activated by the Officer manually and begin recording upon making contact with the public (arriving at the scene of a call or making a traffic stop/contact). The Motorola Solutions WatchGuard In-car and Body Camera audio/video recording will continue until the officer completes the stop/contact or deems the incident is over.

C. Operational Procedures

1. Officers who are equipped with the Motorola Solutions WatchGuard In-Car and Body Camera system are strongly encouraged to use the equipment as a supplement to the in-car audio/video recording system during citizen contacts and or while en-route to calls, to include dispatched and self-initiated traffic stops, pursuits, domestic violence calls and enforcement actions. Additional areas of use include but are not limited to: vehicle inventory, vehicle search, building search, crime scene documentation and all interaction with the public that may involve criminal activity in order to record enforcement actions.

2. The Motorola Solutions WatchGuard In-Car and Body camera systems come with the date and time stamped on the video and will be displayed on all recordings or still photos to indicate the time and date recordings or still photos to indicate the time and date recording.

3. The Motorola Solutions WatchGuard In-car and Body camera is to be placed in the charger by the officer at the conclusion of the officer's assigned shift. At the beginning of the officer's shift, the officer is to remove the system from the charger.

D. Motorola Solutions WatchGuard In-car and Body camera system audio/video recording evidence management

1. Evidence produced by the Motorola Solutions WatchGuard In-Car and Body camera system will be handled according to the Departmental policies and State law. The custodian of evidence will maintain custody and control of any and all copies of Motorola Solutions WatchGuard In-car and Body Camera audio/video footage. No additional copies of any Motorola Solutions WatchGuard In-car and Body Camera recordings for the purposes other than evidence will be made without proper authorization or unless otherwise directed by the Chief or the Chief's designee.

2. Recorded media that is considered evidence shall not be destroyed, altered or erased by officers in any manner. Tampering with any recorded media shall be cause of disciplinary action.

3. Once the recorded media is no longer of any evidentiary value, it may be properly erased from the Bastrop ISD Police Department's Audio and Visual Police Server.

    a. The recorded media shall be retained for twenty-five (25) months from the date of the recording. After the time has lapsed the department's authorized agent(s) will erase the media.

E. Duplication of media data

1. Except for evidentiary purposes, reproduction of media data by agency personnel is prohibited unless authorized by the Chief or the Chief's designee

2. Only the recorded video of the requested incident will be copied. The original media date will be retained by the agency and handled in accordance with all applicable departmental evidence policy, court orders, State retention schedule and State statute of limitations.

3. Unusual or exceptional incidents related to law enforcement activities generate the interest of many. However, officers shall not afford individuals the opportunity to review a segment of any recorded media without prior authorization of the Chief or the Chief's designee.

BASTROP ISD POLICE DEPARTMENT

Patrol Division

Standard Operational Procedures

Amended: November 2nd, 2026

Table of Contents

I. Organization and Administration ……...Pg 5

II. Personnel Issues and Administrative Requirements ……..Pg 5

- A. Reporting for Duty
- B. Court Subpoenas
- C. Requests for Appearance from County Prosecutors
- D. Alternative to Required Appearance
- E. Meal Breaks
- F. Emergency Staffing Contingency
  - 1) Level I Normal Staffing
  - 2) Alert, if alert is declared
  - 3) Level II Emergency Recall
  - 4) Emergency Mobilization
- G. Patrol Division Uniform
  - 1) Class A "Parade Dress"
  - 2) Class B "Duty Dress"
  - 3) Class C "Work/Special Duty Dress"

III. Administrative Requirements ……...Pg 10

- A. Calls for Service
- B. Multiple Officer Calls for Service
- C. Radio Communications
- D. Portable Radio Usage
- E. Report Writing

IV. Patrol Field Tactics and Operational Procedures ……...Pg 12

- A. Active Shooter Incident
- B. Building Searches
- C. Felony Stop Procedures
- D. Foot Pursuits
- E. In-Progess Calls for Service
- F. Adverse Weather Response

V. Field Procedures for Specific Incidents ……Pg 21

- A. Accident Investigation
- B. Alarm Response (TBP: 7.26)
  - 1) Classifications
  - 2) Dispatch Procedures
  - 3) Officer Response
  - 4) Burglar Alarm Responsibilities
  - 5) Panic Alarm Responsibilities
  - 6) Medical Alarm Responsibilities
  - 7) Fire Alarm Responsibilities

C. Arson Investigations
D. Assault Investigations
E. Auto Theft (UUMV) Investigations
F. Bank Alarm / Robbery Response (TBP: 7.26)
G. Barricaded Subjects / Hostage Investigations (TBP: 8.01)
H. Bomb Threats (TBP: 8.02)
I. Burglary Investigations
J. Burglary in Progress Calls for Service
K. Child Abuse
L. Consumption or Possession of Alcohol by a Minor
M. Death Investigations
N. Death Notifications
O. Driving Under the Influence by a Minor
P. Criminal Trespass
Q. Drug Paraphernalia
R. Escorts
S. Family Disturbances / Family Violence
T. Fireworks
U. Hazardous Materials (TBP: 8.12)
V. Injured Persons
W. Junk and Abandoned Vehicles
X. Juvenile Parties and Large Gatherings
Y. Liquor Law Violations
Z. Major Crime Scenes
AA. Missing Persons / Kidnapping / Attempted Child Abductions (TBP 7.33)
    1) Reporting / Classification of Missing Person
    2) Initial Report Taking
    3) Special Considerations in Custodial Situations
    4) Preliminary Investigation
    5) Search Procedures
    6) Criminal Investigation
    7) Recovery of Missing Persons and Case Closure
BB. Parking Violations
CC. Protective Orders
DD. Robbery Investigations
    1) Crime Scene Control
    2) Detective Response
EE. Robbery in Progress Calls for Service
FF. Sexual Assault Investigation
    1) Initial Officer Response
    2) Assisting the Victim
    3) Evidence Collection Issues
GG. Stranded Motorists
HH. Suspicious Persons
II. Terrorist Screening Center

VI. Equipment Maintenance and Readiness …….Pg 63

A. Vehicle Maintenance Procedure
B. Equipment Maintenance Procedure
C. Equipment Readiness
D. Knife Use and Safety
E. Mobile Video Recording System

PATROL STANDARD OPERATING PROCEDURES

I. ORGANIZATION AND ADMINISTRATION

A. The Patrol Division is commanded by the Patrol Lieutenant who shall have authority to command all assigned personnel directly or through subordinate supervisors. The Patrol Lieutenant reports to the Chief of Police.

B. This Patrol Standard Operating Procedure will be maintained and reviewed by the Patrol Lieutenant. Changes to this SOP will be made by memorandum or email and will remain in effect until incorporated into a newer version. The SOP will be reviewed annually by the Patrol Lieutenant for compliance with current operations and compliance with Texas law.

C. All changes made in this SOP must be approved in writing by the Chief of Police.

II. PERSONNEL ISSUES AND ADMINISTRATIVE REQUIREMENTS

A. Reporting for Duty

1. Personnel report to duty at the time and place as assigned and/or scheduled, fully prepared and capable of performing their assigned duties.

2. Personnel beginning a tour of duty make themselves available to undertake their assignments immediately at the start of their tour of duty.

3. Personnel beginning their tour of duty review previous shifts' activities, computer messages, memos, information posted and other similar information media in order that the member is fully informed of necessary and pertinent information.

B. Court Subpoenas and Appearances

1. Municipal or Justice Court requests for appearances will normally be transmitted via interoffice e-mail. Officers will consider these requests or dockets as subpoenas and will attend the requested court session unless otherwise approved by their supervisor. Any inability to meet the requested appearance should be communicated to the Municipal or Justice Court as soon as possible by the officer.

2. Any and all subpoenas or requests for appearances from County, District or United States District Courts or the Attorney assigned to these Courts will be forwarded immediately to the Patrol Sergeant whether received by telephone, fax or subpoena service. The Patrol Sergeant or designee will log the request or subpoena and notify the officer. Any inability to respond appropriately to the

request or subpoena will be communicated to the requesting attorney as soon as possible by the Patrol Sergeant or his designee.

C. Requests for Appearance from County Prosecutors.

1. Officers who receive notice of a Request for Appearance from the Bastrop County District Attorney's Office will consider the request as a subpoena and as a required assignment by this department. Officers are to attend the court as requested at the time and place requested unless notified by the Prosecutor assigned to the case, the Clerk of the Court, or other departmental authority.

2. In case of a notice to disregard, the officer should note the date, time and name of the notifying individual for future reference as needed.

D. Alternative to Required Appearance.

1. Officers who prefer not to attend court unless absolutely required may attempt to utilize the following procedure;

2. Contact the prosecutor assigned to the case prior to the day of the request for appearance.

3. Ask permission of the prosecutor to be placed on "Stand-by" for the appearance.

4. Discuss the details of the case with the prosecutor at that time if possible.

5. Provide the prosecutor with your phone number.

6. Officers who are allowed by the Prosecutor to be on "Stand-by" must be able to respond appropriately dressed within one hour. Failure to respond to a "Stand-by" call may result in the case being dismissed.

7. Officers who are on "Stand-by" are not compensated unless they are called to court and then only for the time in court plus travel time. Officers who are on stand-by will remain on stand-by until 1700 hours unless released earlier by the prosecutor or the secretary of the court. Officers should understand that some cases will require in person attendance and stand-by will not be available.

E. Meal Breaks

1. No more than three uniformed officers and two marked police vehicles will meet and check out at any eating establishment. The exception to this is:

    a. When uniformed officers are attending departmental functions.

b. When approved by the officers immediate supervisor.

2. Length of Meal Breaks

a. In accordance with FLSA officers are compensated for their meal time and are not guaranteed a meal break. If the officer has an opportunity to take a meal break it should be no longer than 60 minutes.

F. Emergency Staffing Contingency

The following schedule is followed in the event of an emergency.

1. Level I Normal Staffing

a. CID On-Call available if needed

b. Patrol-On Call available if needed

c. Normal readiness

d. All officers have phones available

e. 2 hour response capability if called for service

2. Alert: If an Alert is declared

a. All Officers will have a phone available

b. Officers are notified to carry full equipment with them

c. 1 hour response capability

d. No alcohol consumption

e. All vehicles are serviced and ready

3. Level II Emergency Recall

a. Department personnel will be placed on 12 hour shifts

b. Shifts will consist of 0600 – 1800 hours and 1800 – 0600 hours

4. Emergency Mobilization

a. Should emergency mobilization be required all personnel summoned to report to work will report in full uniform to the police department unless otherwise directed. All emergency equipment is stored at that location and will be issued as needed for any operation.

G. Patrol Division Uniform

1. Class A "Parade Dress" consists of the following components:

a. Long sleeve uniform shirt

b. Tie

c. Badge

d. Name plate

e. Service/proficiency/award bars

f. Collar insignia (Rank of Sergeant and higher) or collar pins

g. Trousers

h. Socks

i. Dress shoes/boots

j. Leather Belt rig containing ONLY the following equipment

i. Inner belt

ii. Outer belt

iii. Holster

iv. Duty weapon

v. Double magazine holder with loaded magazines

vi. Handcuff case with handcuffs

vii. Radio holder with portable radio and shoulder microphone

viii. Any specialized items established for a specific ceremony or event and as approved by the Chief of Police Services or designee in charge of the ceremony or event.

k. In the event of inclement weather

i. Rain gear

2. ”Class B “Duty Dress” consists of the following components:

a. Seasonally approved uniform shirt

b. Badge

c. Name plate

d. Collar Insignia (Rank of Sergeant and higher) or collar pins

e. Dark blue or black T-shirt or turtleneck

f. Uniform Trousers

g. Socks

h. Black Shoes/Boots

i. Leather gear rig containing only the following equipment

i. Inner belt

ii. Outer belt

iii. Holster

iv. Duty Weapon

v. Double magazine holder with loaded magazines

vi. Handcuff case with handcuffs

vii. Radio holder with portable radio and shoulder microphone

viii. Mini flashlight holder with flashlight (optional)

j. Foul weather gear (if needed)

i. Wind breaker

ii. Rain coat

iii. Turtle neck

iv. Insulated Gloves if needed

v. toboggan

3. Class C "Work/Special Duty Dress" consists of the following components:

    a. Clothing appropriate for the type of special duty assigned while maintaining a professional representation for the department unless in an undercover capacity.

4. The "Class B" uniform is worn daily during the performance of assigned duties by all police members except those whose duties necessitate more traditional business attire or by members whose duty requires concealing the police identity from immediate sight, such as administrative or investigative assignments.

5. The "Class B" police uniform is worn by all members during approved, law enforcement related off-duty employment unless the assignment requires the use of plain clothes and is approved by the Chief of Police or his designee.

6. Each officer ensures that their equipment is kept in a state of repair and readiness

7. The replacement of the leather gear is the responsibility of the agency.

III. ADMINISTRATIVE REQUIREMENTS

A. Calls for Service

Members of the Patrol Division shall be responsible to respond to calls for service without delay to prevent injury, protect persons and property and provide solutions to problems occurring in their respective district assignments.

B. Multiple Officer Calls for Service

1. Communication Personnel shall dispatch the appropriate number of personnel or units to a specific call in order to accomplish the objective of the call for service.

2. Administrative, investigative and other appropriate departmental personnel not generally assigned to patrol may also be contacted and requested to provide emergency assistance when necessary.

3. Number of Personnel Utilized

    a. The specific number of personnel necessary to accomplish the objective of a specific call for service varies with the type and scope of the emergency call.

    b. While some police service calls can be addressed with a single officer, others may take multiple officers. Personnel shall utilize proper judgment in determining the appropriate number of personnel based on the available information and conditions existing at the time and in accordance with the provisions contained herein.

C. Radio Communications

1. 10-codes may be used in radio communications, although the department can utilize a plain English language description of call and activities to ensure clear understanding. The department utilizes a standard phonetics code supplied to each new officer.

D. Portable Radio Usage

1. Officers assigned to the Patrol Division are issued portable radios. Officers are to carry the radios on their equipment belt while on duty. Officers may choose to utilize a shoulder microphone.

2. Portable radios will not be turned on in lieu of checking out with communications when officers are out of their assigned unit. Officers are required to check out with the dispatcher when they are outside of their unit.

E. Report Writing

1. Officers are to complete detailed reports indicating the facts and circumstances of their investigation in an Offense Report. Such reports should be concise and factual.

2. Reports are to be completed prior to the end of the officer's tour of duty. If this cannot be accomplished, the officer's immediate supervisor is to be notified, who makes the decision if the completion of the report can be delayed.

3. At no time are reports to be delayed involving in custody arrests.

IV. PATROL FIELD TACTICS AND OPERATIONAL PROCEDURES

ACTIVE SHOOTER

1. POLICY

An active shooter is defined as an incident where one or more armed individuals have used, or are reasonably likely to use, deadly force in an ongoing manner, and where persons have been injured, killed, or are under imminent threat of death or serious bodily harm by such persons.

It is the policy of this agency to respond, contain, and stop the threats and administer aid to the victims. When officers are faced with the ongoing or reasonably likely continuation of the use of deadly force by a suspect(s), and delay in action by police could result in additional deaths or injuries, officers are authorized rapid intervention to eliminate the threat.

2. PURPOSE

To establish policy and procedures governing the response and activities associated with an active shooter event which will mitigate any further risk of injury or death to civilian or law enforcement personnel.

3. DEFINITIONS

A. Active Shooter - an incident where one or more armed individuals have used, or are reasonably likely to use, deadly force in an ongoing manner, and where persons have been injured, killed, or are under imminent threat of death or serious bodily harm by such persons.

B. Rapid Intervention- The immediate and forceful response by officers to an active shooting based on a reasonable belief that failure to take action would result in further death or serious bodily injury.

C. Contact Team- The first officer(s) at the scene of an active shooting who enters a location with the intent of neutralizing the threat.

D. Rescue and Recovery Team or Rescue Task Force- An group of officers (and firefighters and medical personnel) who make entry after the contact team to provide Tactical Combat Casualty Care and evacuate persons from a hazardous area to a secure treatment area for further treatment and transport.

E. Incident Commander- The first arriving supervisor (not a part of a contact team) who takes charge at the scene, regardless of rank.

F. Tactical Combat Casualty Care—(TCCC) The immediate and limited care needed before movement to more advanced care to prevent the death of the individual during movement. Usually limited to application of a tourniquet or pressure bandage(s).

4. PROCEDURES

A. Initial Dispatch

i. The first report of an Active Shooter may not be that shots have been fired. It may be only a suspicious person or man with a gun call. Officers and Communicators should be alert to the possibility of these types of calls may progress into an Active Shooter call.

ii. Immediately upon dispatching the initial call, Dispatch personnel will call for additional assistance from office staff to assist in dispatch and for additional officers from surrounding cities.

iii. Dispatchers 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 respond in accordance with their protocols.

iv. Upon arriving at the scene of an active shooter event and assessing the scene, the agency should implement their mutual aid agreements with other police agencies if necessary, and 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.

5. FIELD RESPONSE

A. Initial Response

i. If an Active Shooter call is dispatched, all on-duty sworn personnel will respond Code 3. All non-uniform personnel will respond to the scene only if "Police" jackets are worn. Non-uniform personnel without proper equipment will begin setting up a perimeter and preventing unauthorized entry to the area. Only sworn officers form this or other jurisdictions are initially allowed entry. Responding parents or relatives should be directed to the reunification point once established.

ii. The first responding Supervisor, if not needed as part of a Contact Team, will assume the role of Incident Commander and establish a Command Post in a safe area away from the structure. (if the first arriving supervisor is needed and becomes a part of a Contact Team, the second arriving supervisor will become Incident Commander. This supervisor will begin coordinating other parts of the incident including the deployment of Rescue Teams, until relieved by a higher ranking or assigned Incident Commander.

B. Contact Team

i. The first officer to arrive should attempt to determine the situation and communicate information and direction to other responding officers and supervisors. Ideally, if time permits, the first two to five officers arriving should form a single team and enter the involved structure. A single officer entering a structure must understand the inherent risk assumed in taking such action.

ii. The decision to enter the structure without a full team should be based on:

a. Is there an immediate threat (gunfire or other indications)
b. How far away is a cover officer
c. Is the officer equipped to respond to the threat

iii. The first officers entering the structure should recognize that their primary objective is to stop further violence. Officers must move quickly and deliberately to the source of gunfire and stop the violence. Officers should attempt to 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.

iv. Officers will comply with the department's Deadly Force Policy when responding to these incidents.

C. Rescue Team

i. Rescue Teams should be organized as soon as possible and directed to victim locations. Rescue teams can be comprised of officers, firefighters and/or medical personnel, as long as these personnel are protected by armed officers. Guidelines for follow-on responders include:

a. Establish and maintain security in the area that follow-on responders occupy; consider the involved structure as unsearched.

b. **Do not enter a hallway unannounced that is occupied by other officers.**

c. 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.

d. 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.

e. Provide only Tactical Combat Casualty Care before removal to the Casualty Collection Point for further treatment by Fire or medical personnel.

D. Incident Command

i. The initial Incident Commander should concentrate their activities initially to:
   a. maintaining open communications with any Contact Teams deployed
   b. Assembling and sending in Rescue Teams as soon as possible.
   c. Establishing an inner perimeter
   d. Establishing a evacuee area

ii. The department will provide training to all department supervisors on the Incident Command process and priorities for command.

6. CONCLUSION OF EVENT

A. Incident Conclusion

i. The conclusion of an incident of this nature will be difficult and will vary significantly based on the number of injured or killed, the type of location, and the actions taken by police. The agency will remain flexible and respond according to the directions and instructions from the Incident Commander.
ii. Should there be an exchange in gunfire, then the agency will implement its officer involved shooting policy and respond accordingly.

iii. The clear priorities will be:

   a. Locating and providing aid to injured individuals
   b. Ensuring the location is secure from further violence
   c. Protecting the scene for investigation
   d. Conducting an appropriate investigation

iv. All requests for information from the media should be funneled through the Public Information Officer (PIO) or the Incident Commander (IC) for coordination.

B. Building Searches

i. The officer in charge will formulate and direct a search plan based on the physical layout of the building.

ii. Dispatch will be notified that officers are entering the building. Other officers should limit their radio conversation and officers entering the building should reduce the volume of their portable radios or use an earpiece.

iii. Entry is never to be made though small openings or windows unless there is sufficient visual access to the inside of the building to provide cover for the entering officers. Entry normally should not be made by less than two officers.

iv. Emergency conditions in which threat to life or property would result from a lack of immediate action on the part of the responding officer would, of course, require only that officer act as quickly and safely as the situation dictates,

v. Officers should locate the lights and illuminate the area to be searched as the search progresses, however avoid "back-lighting" themselves.

vi. Officers should determine the means by which a suspect may go from one level to another and secure them. The building should be divided into sectors and search methodically keeping officers abreast of each other. It is not advisable for officers to separate or lose sight of fellow officers.

vii. Officers should anticipate ambush points and examine all possible hiding places, i.e., look up, check trash containers, air conditioning vents, etc.

viii. Officers should contact the dispatcher and let others know the building is clear as soon as possible.

C. Felony Stop Procedures

i. Special procedures shall be used in vehicle stops when the occupants are reasonably believed to be armed and dangerous. When an officer locates a vehicle driven by a known or suspected felon, the officer shall notify the dispatcher immediately of the suspect's location and give a thorough description of the vehicle and its occupants. The officer shall keep the suspect vehicle in view and request sufficient assistance in making the stop.

ii. The officer shall keep support units informed of the suspect's location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle shall not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one-officer felony vehicle stop.

iii. The following procedures shall be used in effecting the stop:

1. The officer shall plan to stop the suspect vehicle in a location which presents minimal danger to the public.

2. When conditions are appropriate and support units available, the officer shall move into position to the rear of the suspect vehicle.

3. The officer shall signal the violator to stop, using all emergency equipment to warn other traffic.

4. The violator shall be stopped on the extreme right side of the road.

5. If the violator is known to be armed and dangerous, the officer shall have his weapon easily accessible and ready for immediate use.

6. When the suspect vehicle begins to stop, the officer shall turn off the siren.

7. The officer shall park the patrol vehicle so that it provides maximum protection and cover.

8. At night the officer shall focus all lights on the interior of the suspect vehicle.

9. The officer shall leave the patrol vehicle quickly but remain behind the door and accessible to the public address system microphone.

10. The officer making the stop is in command and shall direct each occupant on what to do. First, once suspects are stopped, the officer shall order the driver to shut off the motor and drop the keys on the ground outside his door. Next, the officer shall order occupants to place their hands, palms up, on the ceiling of the vehicle. Normally officers shall then order occupants to exit the vehicle on the driver's side only, but circumstances may dictate exiting the occupants on the passenger side, one at a time. Occupants shall then be ordered to lie face down on the ground.

11. If a public address system is not available, the officer shall give voice commands if they can be heard; if this fails, the officer should consider that the commands have been heard but ignored. Consistent with training, the officer shall consider other options before leaving a position of cover. [Note: The tactics described for high-risk vehicle stops should be consistent with the methods taught in training courses.]

12. To reduce confusion the officer shall instruct support officers, as appropriate, and shall be the only officer to direct the suspects.

13. The support officers shall cover the arresting officer and normally remain on the curb side of the vehicle until all occupants are in the search position.

14. Officers shall exercise extreme caution not to get within each other's line of fire.

15. When all occupants have been removed from the vehicle the support officers shall move to cover the arresting officer while the suspects are searched.

16. All arrestees shall be searched and handcuffed before transportation.

D. Foot Pursuits

i. Although it is an officer's decision to initiate a stop, it is the suspect or violator who decides to precipitate a foot pursuit by fleeing. An officer's decision to pursue on foot shall be made with an awareness of and appreciation for the risk to which the officer and others will be exposed. No officer or supervisor shall be criticized or disciplined for a decision not to engage in a foot pursuit if, in the officer's assessment, the risk exceeds that which is reasonably acceptable.

ii. Where necessary, an officer may pursue persons who he or she reasonably believes have committed an act that would warrant a stop, investigative detention or arrest.

iii. In deciding whether or not to initiate a pursuit, an officer shall consider the following alternatives to foot pursuit:

1. Containment of the area

2. Canine search

3. Saturation of the area with patrol personnel

iv. In deciding whether to initiate or continue a foot pursuit, officers shall also consider risk factors whenever officers are:

1. acting alone,

2. in an unfamiliar area,

3. in an area that is hostile, such as a notorious drug trafficking location,

4. pursuing suspects who are known to be or suspected of being armed,

5. unable to obtain backup in a timely manner,

6. not in adequate physical condition to conduct a foot pursuit,

7. unable to establish and maintain contact with the communications center or

8. pursuing in inclement weather, darkness or reduced visibility conditions.

v. Officers initiating foot pursuits shall be in field command and shall bear operational responsibility for the foot pursuit unless circumstances dictate otherwise or until relieved by a supervisor. Pursuing officers are reminded that voice transmissions while running and in other field tactical situations may be difficult to understand and may have to be repeated.

vi. The officer initiating a foot pursuit shall, as soon as practical, provide the following information to Communications:

1. Unit identifier

2. Reason for the foot pursuit

3. Officer location and direction of pursuit

4. Number of suspects and description

5. Whether or not the suspect(s) is armed

6. Location to which assisting officers are to respond

7. Location, if required, of any perimeter

vii. Assisting officers shall immediately attempt to contain the pursued suspect. Such officers shall not respond to the primary officer's location unless the suspect has been stopped and the primary officer requests assistance to take the suspect into custody.

viii. When two or more officers are in pursuit, they will normally not separate unless they remain in sight of each other and maintain communication, but they shall allow the lead officer to concentrate on the suspect's actions while the second officer provides backup and maintains communications with dispatch and other assisting officers.

ix. Unless there are exigent circumstances such as an immediate threat to the safety of other officers or civilians, officers shall not engage in or continue a foot pursuit under the following conditions:

1. If the officer believes the danger to pursuing officers or the public outweighs the necessity for immediate apprehension.

2. While acting alone, if exigent circumstances warrant, the lone officer shall keep the suspect in sight from a safe distance and coordinating containment.

3. Into buildings, structures, confined spaces or into wooded or otherwise isolated areas without sufficient backup and containment of the area. The primary officer shall stand by, radio his or her location and await the arrival of officers to establish a containment perimeter. At this point, the incident shall be considered a barricaded or otherwise noncompliant suspect.

4. If the officer loses possession of his firearm.

5. If the suspect's location is no longer known.

6. If primary officers lose communications with EOC or communication with backup officers is interrupted.

7. If an officer or third party is injured during the pursuit who requires immediate assistance and there are no other police or medical personnel able to render assistance.

8. If the officer loses visual contact with the suspect.

9. If the officer is unsure of his or her own location or direction of travel

E. In-Progress Calls For Service

i. In progress calls demand three primary considerations. First to ensure the greatest level of safety available to all officers concerned with the call. Second, to contain the scene to prevent the escape of suspects and third to preserve the scene for all evidence.

ii. The following are general guidelines for the handling of the majority of in progress calls:

1. The responding unit should go to the site of the premises where the case is most likely occurring.

2. If possible, officers should position their vehicle short of the scene to avoid showing your presence and position.

3. Take appropriate time to size up the situation and formulate a plan and to advise your cover officer.

4. On armed robbery calls, for the safety of the victim and bystanders, arrests can best be affected outside the building.

F. Adverse Weather Response

i. In the event of severe weather such as a thunderstorms passing through the area with damaging hail, high surface winds and extremely heavy rain which reduces visibility or endangers personnel or vehicles, all units not on a call will immediately seek shelter at any protected area in your district.

ii. In the event of loss of traffic control devices due to a power outage, officers shall monitor the situation for dangerous traffic situations. TXDOT will be contacted for a state highway. For City or County outages of traffic control devices, the officer shall contact the appropriate law enforcement agency with jurisdiction.

V. FIELD PROCEDURES FOR SPECIFIC INCIDENTS

G. Accident Investigation

i. Members of the Patrol Division respond to reports of all traffic accident resulting in injury or damage if the accident occurred on district property.

ii. Private Property Accidents (Restricted Access) Private property accidents may be investigated in the event of substantial damage, injury or death. Parking lots, for the purpose of accident reporting, are considered private property.

iii. Enforcement Action

1. Unless there are extenuating circumstances patrol officers may issue citations for traffic and equipment violations determined as a result of the accident investigation.

iv. Hazardous Material Involvement

1. In the event of Hazardous Material involvement a perimeter is established around the accident site, limiting access to emergency personnel.

2. In the event of a large hazardous material spill or release, officers will contact Communications for the appropriate Fire Department for response. The Fire Department has access to Bio-Hazard equipment and is trained to respond to such emergencies. (TBP: 8.12)

3. Officers shall maintain a Hazardous Materials Guidebook so that spills or releases from vehicles displaying placards can be easily identified.

H. Alarm Response (TBP: 7.26)

i. Classifications

1. Burglar
2. Panic
3. Medical
4. Fire
5. Robbery (see section G below for Robbery Alarm Response)

ii. Dispatch Procedures:

1. When possible two officers shall be dispatched to all burglary, panic, and any medical alarms. (The 1st unit arriving does have the authority to cancel the assist unit.) EMS and the Fire Department are also dispatched on Medical and Fire alarm calls.

2. A single officer may be dispatched on fire alarm calls with the Fire Department.

3. Dispatch will also attempt to locate the owner or representative for the location.

iii. Officer Response

1. Unless dispatch information indicates a person is in immediate danger, officers will respond to burglar and fire alarms Priority 2 or routine driving. Officers will not delay their response.

2. Officers will respond to panic alarms Priority 1 but will slow and reduce speed near the address in order not to alert any offenders.

iv. Burglar Alarm Responsibilities

1. Officers will park in a tactically advantageous position so as not to alert any offenders of their arrival.

2. Officers will carefully conduct an observation of the building or residence to determine if there is evidence of entry.

3. If an open door or window is unsecured the officer will request backup.

    a. Normally a minimum of two officers are to enter the building.

    b. Officers shall advise the communications of the location of the open door or window and if officers are entering the building.

4. The responding officer will determine if a representative of the household should respond.

5. Officers will stand by if advised that a representative is en-route to their location. If a representative or owner is not en-route, the location should be secured to the extent possible.

v. Panic Alarm Responsibilities

1. Officers will park in a tactically advantageous position so as not to alert any offenders of their arrival. Sometimes medical alarms have been used in cases of domestic disturbances and officers should be alert to this possibility.

2. The responding officer may have the dispatcher attempt to contact the residence by phone prior to approach.

3. If contact is made, communications should request the complainant meet the officer outside.

4. If contact is not made, the officers should carefully approach the location and attempt to determine if anything is wrong. A supervisor should be contacted for further instructions.

vi. Medical Alarm Responsibilities

1. Officers will park in a tactically advantageous position so as not to alert any offenders of their arrival. Some medical alarms have been used in cases of domestic disturbances and officers should be alert to this possibility.

2. Officers should carefully approach the location and determine if a medical emergency exists. If a medical emergency exists, the officer should assist the complainant to the level of their training and ability while ensuring the Fire Department response is en-route and can easily locate the victim.

vii. Fire Alarm Responsibilities

1. When arriving prior to the fire department, officers will park in a position that will not hamper fire department access to the location or any fire hydrant.

2. When arriving prior to the fire department, the officer will advise the dispatcher if any evidence of fire is showing (flames, smoke, evacuated facility, etc.)
3. If no evidence of fire is present and the fire department has not yet arrived, the officer shall attempt to locate the fire alarm location and responsible party.

4. If the officer arrives after the fire department he/she will consult with the fire department officer in charge for their needs such as crowd control and traffic management.

I. Arson Investigations

i. The investigation of arson is primarily the responsibility of the Bastrop ISD Police Department. It is the responsibility of the fire department to determine cause of origin. The Police Department will assist in the fire department in any way possible.

ii. In some cases, especially where a fire has been started and the fire has either gone out or has been extinguished, the complainant may notify the Bastrop ISD Police Department rather than the fire department.

iii. Patrol Officers will secure the scene and have the communications notify the Fire Marshal's Office for a Detective to be sent to the scene.

iv. In all cases where a Fire Investigator is not sent to the scene, the responsibility of the investigation lies with the Bastrop ISD Police Department.

v. The patrol officer initially assigned the complaint shall be responsible for the initial case report.

J. Assault Investigations

i. The primary officer assigned is responsible for the initial investigation. The officer shall control the scene to ensure all evidence is protected. The officer should first attempt to establish if the victim requires medical attention, and if so, request an ambulance. The officer shall then make a determination as to whether an actual offense has taken place. The officer's investigation should include but is not limited to the following.

1. Interview with the victim
2. Interview all witnesses.
3. Identity of all individuals at the location at the time of the offense.
4. Identify the suspect (to include name and address
5. Relationship of the victim and suspect (family member, etc.)
6. If possible interview the suspect.
7. Description as to the method of assaults (hands, weapon, etc.)
8. Description of the injuries.
9. Description of the crime scene.
10. Photographs of injuries, scene and evidence
11. If the assault is aggravated in nature CID may need to be notified.

K. Auto Theft (UUMV) Investigations

i. The responding officer is responsible for the preliminary investigation. The officer should establish that an actual offense has taken place. The officer's investigation should include, but is not limited to, the following:

1. Accurate description of the vehicle make, model, year and color.
2. Registration information including the vehicle identification number.
3. Any distinguishing information (bumper stickers, decals, body damage or any other identifiable details).
4. Lien holder information, determine if the payments are up to date or if there is the possibility of a repossession.
5. How many sets of keys and where they are located
6. Amount of fuel in the vehicle

ii. If a stolen vehicle is located, the officer shall follow policy and procedure with regard to taking possession of the vehicle and notifying the originating agency or owner. The originating agency will be responsible for placing a hold on recovered vehicles. If recovered vehicle originated from Bastrop ISD Police

Department, then supervisor approval is needed to place a hold on that vehicle. The officer shall determine if the situation warrants contacting CID.

L. Alarm/ Robbery Response (TBP: 7.26)

i. Upon receipt of a robbery alarm, normally a minimum of two unmarked patrol units shall be dispatched, if available.

ii. If the robbery notification is received by telephone, a complete description of the perpetrators shall be obtained from the caller, along with as much additional information as possible; particularly whether the perpetrator is at the scene and if not, what type of weapon, if any, is being used, his direction and mode of travel and a complete description of any vehicle involved.

iii. The department has a robbery response plan which shall guide the department's response to a robbery alarm.

iv. If the robbery notification at other locations is made by alarm, the dispatcher shall not attempt to contact the location in order to determine the validity of the alarm until officers have given notice that they are in position at the location.

1. If the dispatcher is subsequently notified that the alarm is false prior to the officer's arrival, they shall advise the caller that police units are responding and;

a. obtain the identity of and maintain contact with the caller

b. verify the false alarm with a key employee at the location and advise them that they will need to exit the location to meet the responding officers utilizing the department's prearranged signal and

c. obtain a physical description of the key employee and provide responding officers with the description and the fact that they will meet them outside as required.

v. Responding officers shall use appropriate vehicular warning devices when approaching the scene but the siren will not be used within the hearing range of the reported robbery.

vi. Responding units to the scene should be observant of any suspicious vehicles leaving the scene as well as other vehicles or persons outside the location who may be serving as lookouts, cover or drivers for a robbery team.

vii. The first unit on the scene shall serve as the primary unit until relieved by a supervisor or Detective, and shall take a position that provides good observation

without being easily visible to those inside. The primary unit shall report on observable conditions at the location to the dispatcher but should not initially approach the location.

viii. The primary and all subsequent units arriving at the robbery location shall report their arrival and position to the dispatcher. The primary unit or supervisory officer should direct responding units into positions that will establish a perimeter covering all exits and entrances.

ix. Once the location perimeter has been established and no notice of a false alarm has been received, the primary unit on the scene shall determine whether the dispatcher shall telephone the location. If the call is made, the dispatcher shall identify themselves and inquire whether a robbery is in progress. If the call is not answered or a questionable response is provided to the inquiry officers at the scene shall be informed of these facts and told that a possible robbery is in progress.

x. If a robbery in progress is suspected, the primary unit or supervisory officer shall determine whether to request additional backup.

xi. Unless otherwise directed, officers shall wait until suspect(s) have exited the location before attempting apprehension. This helps to avoid the development of a hostage situation.

xii. Once the perpetrator(s) have left the location, the crime scene shall be secured by officers in preparation for processing by crime scene technicians, departmental Detectives and any federal agents.

xiii. If a robbery has been committed and the perpetrator(s) have left the scene, the primary unit should begin preparation of the initial report by identifying witnesses, caring for any injured parties, protecting the crime scene and obtaining necessary information regarding the perpetrator(s) for supplemental broadcast. Remaining units should initiate the search for suspect(s) on likely escape routes, being alert to unusual activities and circumstances.

xiv. If the dispatcher notifies officers that he has been in contact with an employee at the location and there does not appear to be a robbery in progress officers shall determine the identity and description of the individual(s) and wait for him/her to exit the building and approach the officers using the prearranged signal. Officers shall accompany the employee into the establishment in order to verify the situation and shall notify dispatch once the verification is complete.

xv. If the alarm is received after business hours and the establishment is not occupied, responding officers shall assume positions in the front and rear of the building and jointly conduct an inspection of the location for signs of forced entry. If signs of forced entry exist, officers shall follow procedures for

conducting a building search. If the building is secure, dispatch shall be notified to contact the designated contact person to meet them at the location.

M. Barricaded Subjects/Hostage Investigations (TBP: 8.01)

i. Events involving hostage or barricaded suspects will be addressed in accordance with the Incident Command System.

ii. A supervisor will be dispatched on any barricaded suspect or hostage situation.

iii. The responding supervisor will assume the duties of the Incident Commander until relieved by a higher-ranking officer.

iv. Goals to be accomplished are:

1. Protection of the public
2. Containment of the suspect
3. Protection of hostages and
4. Case resolution

v. Responding Officers

1. Upon arrival at the scene of a barricaded suspect/hostage situation, the first activity should be to limit access.

2. Preliminary investigation should be conducted carefully to determine nature and extent of situation. Care should be taken to ensure not to expose the officer to the risk of gunfire or to risk confrontation with a suspect.

3. Once confirmation has been made that a barricaded suspect/hostage situation in fact exists a supervisor will be notified.

4. All attempts during this phase are geared toward avoiding confrontation and in favor of controlling and containing the situation until the arrival of additional personnel specifically trained in case resolution.

vi. Incident Commander Responsibilities:

1. Restrict a radio frequency

2. Establish an inner perimeter to prevent inadvertent entry of the public and prevent the escape of the suspect.

3. The Incident Commander shall establish a command post outside the suspect's line of fire and sight. The command post should be sufficiently large to accommodate responding personnel and vehicles.

4. A supervisor shall determine the need for calling an outside agency for an emergency response team or SWAT team. The Chief of Police will then make the final decision for calling the other agency.

5. Officers will begin evacuation of nearby homes, offices or buildings as necessary.

6. The supervisor on scene shall issue rules of engagement to all on-scene officers.

vii. An arrest team shall be designated to take charge of the suspect should he surrender.

viii. Personnel at the command post shall ensure the following information is assembled:

1. The phone number of the location and where the phone is located within the structure.

2. A drawing or floor plan of the location, including entrances, location of windows, inside and outside doors and any access to the garage from inside the location.

3. As much information as possible about the suspect(s) and hostage(s) to include:

a. Name,
b. Physical description,
c. Clothing description,
d. Military background,
e. Criminal history,
f. Weapons and
g. Mental state.

4. A record check for past arrests or contacts with the suspect(s).

5. Anyone with information about the suspect (friends, relatives) to remain in the vicinity of the command post for possible questioning by Tactical Team members or negotiators.

ix. The Incident Commander designates the following assembly areas:

1. Medical - Safe Area
2. Media Assembly Area
3. Equipment/Personnel Staging Area

x. Perimeter Control

1. The Incident Commander shall establish an outer perimeter for traffic and crowd control.

2. Adjacent law enforcement agencies may be used for this purpose;

3. If there is a shortage of personnel, a fire engine or radio car can be used to block a street or intersection.

xi. Evacuation:

1. Surrounding buildings or residences should be evacuated if this can be done safely.

2. A location should be selected where evacuees can go (coffee shop, laundromat, gymnasiums etc.), and they should be told when it is safe to return to their assigned locations or homes.

3. The name and address of anyone who refuses to evacuate after being warned of the potential hazards should be recorded.

xii. Medical Assistance:

1. An ambulance, fire department and paramedic unit will stand by near the command post.

2. Injured persons are to be evacuated as soon as it is safe to do so.

3. When recovery is complete the injured person(s) shall be immediately transferred to a predetermined safe area which will be determined by the Incident Commander.

xiii. Media

1. A location should be selected to assemble responding press representatives and the designated BISD Communications member shall brief and remain with them.

xiv. Hostage Negotiations Team Responsibilities:

1. Making contact with the suspect(s).

2. Contact the suspect(s) by phone or P.A. system and attempt to get them to surrender.

3. Obtain their demands but make no commitments.

4. Do not allow the suspect(s) and hostage(s) to leave the location.

5. Do not allow friends, relatives or other interested persons to enter the location.

xv. Tactical Team Responsibilities:

1. Inner Perimeter surveillance.

2. Removal of the injured within the inner perimeter.

3. If negotiations fail, the Tactical Team will make entry into the structure and contact the suspect(s)

xvi. Post Event Investigation

1. After the event it shall be determined if a crime was committed. All victims and witnesses shall be located and their statements taken as soon as possible.

xvii. Required Reporting Documentation:

1. There shall be a chronological log of all activities completed by the Incident Commanders designee.

2. The initial case report shall be completed by the officer originally assigned to the call for service
3. Supplemental reports are to be completed by all persons involved in the event.

N. Bomb Threats (TBP: 8.02)

i. The Incident Command System structure will be utilized for response to bomb threats.

ii. When a bomb threat or report of a bomb threat is received both police and fire personnel are dispatched, depending on the credibility of the threat or the presence of a suspicious device.

iii. Use of radios, mobile telephones, mobile data terminals, computers or any device capable of emitting "RF" energy may be utilized except as follows:

1. Personnel refrain from use of such devices if within 100' of an identified device.

2. Personnel refrain from use of such devices if requested by on-scene commander.

iv. A non-credible bomb threat call will be considered a Priority 2 response level. Non-credible is defined as a threat with no presence of a device noted and/or no specific details of a device, such as the location of time of detonation. Examples of non-credible threats are "There is a bomb at the school" or "I'm going to blow you guys up" with no other specific information.

v. A credible threat or a suspicious package will be considered a Priority 1 response. Credible is defined as the presence of an actual device or suspicious package, details that include location or time of detonation or other information indicating a credible threat. An example of a credible threat is "There is a bomb in the first floor restroom set to go off in ten minutes" or "Your school fired my wife, I'm going to get even. You have ten minutes to get out of the building."

vi. Arrival on Scene

1. The first officer to arrive makes personal and immediate contact with the reporting party. Other assigned officers shall stage away from the suspected building/area until otherwise advised by the first responding officer or a supervisor.

2. Other police personnel responding shall stage their vehicles at a location designated by the supervisor or first responding officer.

vii. On Scene Procedure

1. The first officer will gather all needed and available information from the complainant and others present who can provide relevant information.

2. Searches are conducted by the owner/occupants of the building due to their familiarity with the complex. The first responding officer or supervisor may assign officers to escort the owner/occupants conducting the search. Personnel conducting the search should only look and listen for anything unusual or out of place. They may open closets, cabinets, doors, etc., but should not open or touch any suspicious packages or devices.

viii. The decision to evacuate a building shall be the responsibility of the Superintendent or his/her designee. Any building or area where there is more than just suspicion of a bomb or explosive device should be evacuated. If evacuation is decided, officers shall request that the building security personnel, principal, or designee announce an evacuation in a calm and orderly manner over the building's public address system or through face to face communications with the buildings occupants. Facilities such as schools with designated fire plans should initiate the designated evacuation alarms in lieu of the public address/person- to-person notification. Public safety personnel are utilized for this task as a last option.

ix. If a device is found or if officers need assistance with search operations, the Fire Department will be dispatched to the scene.
NOTE: While we do have the authority to order an evacuation should a device be located, the decision to re-enter the facility after an evacuation will be made by Superintendent and not police personnel. We can and should inform the Superintendent that reasonable efforts have been made to determine if a device is present.

x. If a Fire Department responds, the officers shall meet with the Fire Department supervisor and establish a Unified Command.

xi. If a suspected or confirmed bomb or explosive device is located:

1. The incident commander will call for an appropriate evacuation of the building or area.

2. Personnel shall be strategically placed to ensure that the building or area is secured.

3. An Explosives Response Team will be notified to respond to any situation that deals with explosives, bombs, explosive devices or items that are presumed to contain explosives.
4. In the event an Explosives Response Team is unavailable, an alternate Explosive Ordinance Disposal Team may be contacted from another agency under the mutual aid agreement.

O. Burglary Investigations

i. The primary responding officer is responsible for the initial investigation. The officer will control the scene to ensure that all evidence is protected. The officer shall attempt to establish that an actual offense has taken place. The investigation should include but is not limited to the following:

1. the point of entry (including the method of entry)
2. the point of exit

3. point(s) of impact (what the suspect did while on the scene)

4. determination of missing and damaged property

5. interview of all witnesses

6. interview with the neighbors or area businesses

ii. The officer shall determine the need for CID to respond to assist in processing the crime scene or interviewing victims, witnesses or suspects.

P. Burglary in Progress Calls for Service

i. On all burglary in progress calls a minimum of two (2) officers are dispatched to the scene.

ii. Upon the officers' arrival an exterior perimeter is established.

iii. Once a perimeter is established, additional officers may search the building. Buildings are not to be searched by a single officer.

iv. If the keyholder, security, or District personnel is present, neither they nor any other person are permitted to assist with the search until the building has been cleared. Civilians shall be staged away from the building in a place of safety.

Q. Child Abuse

i. The primary officer dispatched is responsible for the initial investigation. State law requires that instances or suspected instances of child abuse or neglect be reported by public and private officials such as physicians, dentists, school employees, clergymen and others. Officers shall record and respond to all reports of child abuse, neglect and abandonment irrespective of the source or method of reporting.

ii. A preliminary interview will be conducted with the reporting individual, when known, to determine the basis for the report to include determination of such factors as:

1. the physical condition of the child;

2. a description of the abusive or neglectful behavior;

3. evidence of parental disabilities such as alcoholism, drug abuse, mental illness or other factors that demonstrate or suggest their inability to care for the child;

4. description of suspicious injuries or conditions;

5. the nature of any statements made by the child concerning parental maltreatment; and

6. any evidence of parental indifference or inattention to the child's physical or emotional needs

iii. Officers shall determine the need for an Detective and request one if required. Officers shall also determine if Child Protective Services should be notified immediately and requested to come to the scene or if a later report will suffice. In any case, if an officer determines that child abuse is or has occurred it will be their responsibility to forward a report to CPS as required by law. In cases of emergency, after hours, the CPS law enforcement on call number is 1-800-877-5300.

iv. Where reasonable suspicion exists for further investigation a coordinated investigative effort should be undertaken with the Child Protective Services.

v. Immediate action shall be taken by officers when

1. the complaint warrants arrest or criminal prosecution;

2. child protective personnel are not available and time is of the essence;

3. the child is in danger and child protective personnel cannot respond;

4. the suspected perpetrator may flee;

5. police presence is required to maintain order or to protect the safety of child protection officers; or
6. when the child must be taken into protective custody against parental wishes

vi. The preferred means of removing a child from the home is by court order. However, in cases of abandonment, severe abuse or neglect where the child is in imminent danger of death or serious bodily harm and time is of the essence, an officer shall, in compliance with state law, remove the child from the home for purposes of protective custody. The assistance of Child Protective Service officers should be sought, if available, in a timely manner. Parental permission should also be sought but is not required in order to remove the child under emergency circumstances.

vii. In cases where protective custody is warranted and time permits, Child Protective Services shall be notified and a court order for protective custody shall be sought prior to the child's removal.

R. Consumption or possession of alcohol by a minor

i. Where a person is underage and suspected of having consumed an alcoholic beverage and the officer believes the subject to be intoxicated the officer shall conduct standardized field sobriety tests.

ii. When an officer determines that a person is underage and has consumed an alcoholic beverage the officer shall undertake one of the following actions:

1. If the minor is under the age of ten years:

a. The child will be released to a parent or another responsible adult.

b. A case report shall be completed.

2. If the minor is at least age ten, but less than 14 years:

a. The minor may be detained at the scene while contact is made with the minor's parent and arrangements made for the parent or another responsible adult to take custody of the minor or

b. The minor may be taken into custody, transported to the Police Department's court approved area and processed as a juvenile offender and detained in a court-approved area until released to the parent.

3. If the minor is at least 14 years, but less than 17 years:

a. A citation may be issued for Minor in Consumption; and

b. The minor may be detained at the scene, while contact is made with the minor's parent and arrangements made for the parent or another responsible adult to take custody of the minor or

c. The minor may be taken into custody, transported to the Police Station, processed as a juvenile offender and detained in a court-approved area until released to the parent.

4. If the minor is at least 17 years, but less than 21 years:

a. If the officer determines that the minor has consumed an alcoholic beverage and that the subject is **not intoxicated** a citation for minor in consumption may be issued and the subject released.

b. If in public and the subject is intoxicated and cannot be released to a parent or other responsible adult the individual shall be booked into the jail as an adult for Public Intoxication.

c. If not in public, and intoxicated, contact a parent or responsible adult, release the juvenile to their custody and issue a citation for Minor in Consumption.

iii. Disposition of Evidence:

1. When an officer arrests or issues a citation to a person for public intoxication or for any other alcohol-related Class C misdemeanor or city ordinance violation, he/she will seize any alcoholic beverage in the possession of the person at the time of the arrest or citation

2. Alcoholic beverage containers seized in accordance with the preceding paragraph will be disposed of as follows:

a. If the container is critical to the prosecution of a felony case or contains evidentiary value it will be secured and documented as would any other evidence

b. In misdemeanor cases each container of alcohol, whether opened or unopened, will be poured out and the container properly discarded.

c. Destruction of any alcoholic beverage at the scene is done within view of the officers patrol units video camera.

S. Death Investigations

i. Deceased persons or persons near death may be encountered in response to a wide variety of calls for service. Officers who encounter such situations shall, in order of importance and based on the circumstances, perform the following:

1. Identify and arrest any perpetrator(s) if present.

2. Ensure officer safety and the safety of others by safeguarding any weapons at the scene.

3. Administer emergency first aid if necessary and/or summon emergency medical personnel.

ii. Death can only be determined in an official capacity by a physician. However, in cases involving unmistakable evidence of death (e.g., the presence of lividity or rigor mortis), emergency medical personnel need not be summoned.

    1. If the officer determines that the person is dead, the factors surrounding that determination shall be entered into the officer's report.

    2. Officers shall resolve any doubt concerning the life or death of a subject by summoning appropriate medical assistance.

iii. The officer shall isolate and protect the crime scene from any intrusion by non-essential personnel including officers not directly involved in the crime scene investigation.

iv. The officer shall notify communications of the circumstances and any additional personnel as needed. If the death is perceived to be a homicide or potential homicide or the result of accident or suicide, a Detective shall also be summoned.

v. The officer shall observe and note pertinent information at the scene.

    1. Record the nature of any physical modifications to the crime scene as the result of intervention by emergency medical personnel or others.

    2. Record in a crime scene log the identity of any persons who were present at or who entered the crime scene.

    3. Identify witnesses and record basic information regarding the event. Ask witnesses to remain, if possible. If not possible, determine their identity and how they can be contacted by Detectives.

    4. Identify and ensure that any suspects do not leave. Responding officers may conduct basic, preliminary questioning of a suspect or witness, but should normally defer interviews to Detectives

vi. Bodies shall not be moved unless located in a spot that is deemed untenable (e.g., in open view of the public) and only under conditions that do not require a police investigation or magistrates' response. In all other cases, bodies may not be moved without approval of the Justice of the Peace or homicide Detectives.

vii. Death by other than natural causes. In all cases of death other than those due to natural causes where the death will be certified by an attending physician, the Justice of the Peace shall be notified.

1. In any case in which there is doubt concerning the cause of death, the JP and criminal Detectives shall be notified and shall be responsible for conducting an investigation of the death.

2. In cases of death by accident, suicide, homicide or undetermined causes the officer shall coordinate with homicide Detectives and the JP's office in protecting the scene and conducting a preliminary investigation of the incident.

viii. Assistance to Survivors. Providing basic support and crisis assistance to survivors is the responsibility of both responding officers and Detectives.

ix. Officers should not leave the scene of a death where survivors are present until reasonably assured that the survivors have adequate personal control and/or family or close friends readily available to provide support. In gauging the need for assistance officers shall also consider the following:

1. The emotional reactions and physical condition of the survivors;

2. Availability of other adults in the immediate area;

3. Responsibility of the survivors for infants or small children;

4. Availability of a support system (e.g. including friends, family, close neighbors, access to clergy, means of transportation, etc.)

x. Officers should not leave a lone survivor unattended until all reasonable efforts have been made to garner first-hand support from the survivor's family, friends, co-workers, neighbors, clergy, crisis counselors or other community social service agency.

T. Death Notifications

i. Preparations

1. All death notifications that are the responsibility of this agency shall be delivered in person unless the exigency of circumstances demands telephonic notification.

2. Officers shall be prepared to and shall be provided adequate discretion to spend the necessary time with survivors to provide assistance as authorized by this policy.
3. Prior to contacting next of kin, notifying officers shall gather and familiarize themselves with essential details concerning the deceased, to include full name, age, race, home address, as well as details of the death, location of the body/personal effects and other pertinent information. Officers shall identify the next of kin of the deceased for purposes of notification. Particular effort should be made to locate the closest relative starting with a spouse and followed by parents, brothers or sisters and then children.

4. Only where substantial delays would be required to make contact with next of kin should other relatives be contacted.

5. Officers should contact a supervisor for guidance when in doubt concerning next of kin or delays in notification.

6. Where another agency must be contacted to notify the next of kin, officers should

    a. request that the notification be made in person, and

    b. request immediate verification when notification has been accomplished

7. Wherever possible, officers should gather available information concerning the survivors that may aid in the notification. This includes but is not limited to whether survivors are elderly, disabled, visually or hearing impaired, have medical problems or may not speak English. If possible, obtain the names of the survivor's closest relative, friend, family doctor and clergyman.

8. Officers shall ensure that they have on hand a list of referral agencies that may be helpful and should leave this with survivors.

9. Officers should, wherever reasonably possible, avoid using the name of the deceased over the radio prior to notification of immediate surviving relatives.

10. Where possible two officers (preferably a male and female team) should be assigned to a death notification.

11. Officers should request the assistance of the department chaplain, Fire Department chaplain or local crisis intervention specialist where feasible.

12. Personal effects of the deceased shall not be delivered to survivors at the time of death notification.

ii. Making Notification

1. Upon arrival at the residence or place of business officers shall do the following:

    a. check the accuracy of the location;

    b. request to speak to the immediate survivor;

    c. identify themselves by name, rank and departmental affiliation;

    d. verify the relationship of the survivor to the deceased; and

    e. ask to move to a place of privacy.

2. Every reasonable effort shall be made to make the death notification in the privacy of the survivor's home or in another location away from public scrutiny.

3. Officers should address the survivor(s) in a straightforward manner and use easy-to-understand language to briefly explain the circumstances of the incident and the fact that the individual is dead.

    a. Officers should not use euphemisms such as "passed on" or "no longer with us" in order to avoid using the term "dead" as these may create confusion or false hope.

    b. Officers should avoid graphic aspects of the incident and the use of police jargon.

4. Officers should be prepared for unexpected responses from survivors to include hysteria and possible verbal or physical attack.

5. Officers should provide survivors with sufficient time to regain composure before proceeding.

iii. Providing Assistance and Referral

1. Officers should provide any additional information on the incident requested by survivors. While graphic details may not be necessary, officers should provide information if asked specifically concerning the cause of death, condition of the body or other details of the fatality.

2. Officers should remain alert to the possible need for medical assistance.

3. Officers should be aware of confusion on the part of survivors; speak slowly and deliberately, and write down any pertinent information that the survivor may need. This includes such matters as the following:

    a. disposition of the body;

    b. location of personal effects;

    c. identification requirements/procedures; and

    d. notifying officers' names, agency and telephone numbers

4. Notifying officers should conduct a follow-up within 24 hours with any survivor when there is concern for the survivor's well-being.

U. Driving Under the Influence by a Minor

i. When a minor (a person who is under the age of 21) is operating a motor vehicle in a public place and has introduced alcohol into their body but is not intoxicated, officers determine if there is any detectable amount of alcohol in the minors system. The smell of alcohol on the minor's breath constitutes detectable amount. DUI is not a lesser included offense to DWI.

ii. The officer shall conduct Standardized Field Sobriety Tests, including the use of a portable breath testing device, if possible.

iii. If an arrest for DUI is not made and the officer determines the minor has a detectable amount of alcohol in their system, the officer may:

    1. Issue a citation, complete a DIC-25, DIC-23 and release the minor to a responsible adult.

    2. If there is no responsible adult available, the subject is taken into custody and booked into the Bastrop County Jail on the appropriate charges.

    3. If an arrest is made and a specimen of breath (Intoxilyzer Test) or blood is requested, then all standard DWI procedures are followed.

iv. Disposition of Evidence

    1. When an officer arrests or issues a citation to a person for any other alcohol-related Class C misdemeanor or city ordinance violation, he/she

will seize any alcoholic beverage in the possession of the person at the time of the arrest or citation

2. Alcoholic beverage containers seized in accordance with the preceding paragraph will be disposed of as follows:

    a. If the person arrested or cited is under 21 years of age, each container, whether opened or unopened, will be poured out and the container properly discarded

    b. Destruction of any alcoholic beverage at the scene is done within view of the officers patrol units video camera.

V. Criminal Trespass

i. Criminal Trespass is a misdemeanor that requires notice for removal from property or that entry is forbidden, and its commission does not constitute a breach of the peace. Therefore, an arrest without a warrant must be for an on-view offense.

ii. Enforcement Action

1. Upon contacting the suspect the officer shall obtain identification and check for wanted information. The officer shall determine if a Criminal Trespass Warning has been issued to the suspect by interviewing the complainant or having Communications check the master name file.

2. If a warning has not been issued, the officer will complete a Trespass Warning and give a copy to the suspect with instruction that if the suspect returns they will be arrested.

3. A copy of the warning is forwarded to the Communications Division. The Communications Division will enter the suspect information in the Master Name Index, indicating a warning has been issued.

iii. If a warrantless arrest is made, it is necessary that an officer be present whenever a suspect is verbally notified to depart from the premises.

iv. It is legally permissible for a second officer to make a warrantless arrest for criminal trespass if the suspect has been issued a trespass warning by another officer. Information about who issued the warning is included in the case report.

v. If the suspect has never been given a prior trespass warning, an officer cannot make a warrantless jail arrest for criminal trespass when the suspect is being held against his will by a security guard, business owner, etc. Follow the above steps if proved that the subject had received a criminal trespass warning.

vi. Disregarding signs, fences and locked or unlocked habitations is evidence that the subject received warning and can be arrested without the pursuit of a warrant.

W. Drug Paraphernalia

i. All drug paraphernalia seized in connection with a drug arrest will be placed in the property room and properly booked in as evidence.

X. Escorts

i. Personnel shall refrain from providing non-emergency escorts unless authorized by the Chief of Police. Such escorts are limited to:

1. Funeral of a law enforcement officer, fire fighter or civilian member of Bastrop ISD or immediate family member.

2. Hazardous materials;

3. Oversize vehicles

4. Dignitaries and public officials

5. Authorized public school events

ii. Medical Escorts:

1. Officers shall refrain from providing emergency medical escorts to private vehicles, except when such escort is of such short distance that medical attention would clearly be delayed by utilization of ambulance personnel.

2. In the case of minor injury the officer may direct the parties to the nearest medical facility or location for assistance. For those more seriously injured, an ambulance should be contacted.

3. Extreme caution should be utilized during such escorts.

Y. Family Disturbances/Family Violence

i. Officers investigate family violence cases and are strongly encouraged to make appropriate arrests of family violence suspects, to end the possibility of further violence being committed on the victim. Officers will refer to Policy 7.13 for operational procedures. If an arrest is not able to be made articulate why not in the offense report.

ii. If the victim of family violence does not want to prosecute the suspect, officers shall still make the arrest. Officers will refrain from telling the complainant that charges can be dropped at a later time.

iii. If the suspect is not at the scene, officers will make diligent efforts to apprehend the suspect, if the suspect is believed to be in proximity to the scene and it is believed the suspect may return and engage in further family violence.

iv. Officers will collect and preserve evidence in family violence situations in the same manner that such evidence is collected and preserved in other criminal cases.

v. Officers shall give all victims or alleged victims of family violence a Family Violence Victim Notice.

vi. Officers should consult with the victim to determine if an Emergency Protective Order (EPO) is needed.

vii. Required Reporting Documentation

1. Case Report (if family violence occurred)

2. Family Violence Report (if family violence occurred)

3. Assault Victims' Statement (if family violence occurred)

Z. Fireworks

i. Officers should take action when these violations are observed or brought to their attention. Patrol officer may file charges against adults for displaying, shooting, throwing fireworks etc. on BISD property.

ii. If the offender is a juvenile, the officer will contact the juvenile's parents or guardian, inform them of the violation, and file the appropriate charges.

iii. All confiscated fireworks are destroyed on video camera.

AA. Hazardous Materials (TBP: 8.12)

i. In the event of a case involving hazardous materials, the officer shall contact the Fire Department immediately and take the appropriate action to protect life and property. This may include evacuating or limiting access to the scene. The Fire Department personnel will undertake the command and control of hazardous material scenes and coordinate all removal and cleanup measures that are undertaken.

BB. Injured Persons

i. Patrol officers are dispatched to respond to injured person calls (other than those resulting from criminal activity, motor vehicle accidents, cases of major magnitude or if the injury occurs on District property) only when the presence of the officer will protect life, render first aid or restore order.

ii. In the event a child or elderly person has been injured a case report may be generated if the officer believes negligence was involved.

iii. For the purpose of this section, a child is a person under 15 years of age and an elderly person is over 64 years of age.

iv. If the person is injured on BISD property, a case report is always generated.

CC. Junk and Abandoned Vehicles

i. Texas Traffic Laws authorize the Police Department to take into custody an abandoned motor vehicle found on public or private property.

ii. Texas Traffic Laws allow authorized persons to enter private property to examine vehicles or vehicle parts, obtain information as to the identity of the vehicle and cause the removal of a vehicle or vehicle part that constitutes a nuisance when so ordered by the judge of the municipal our justice court.

iii. Procedures for removal of abandoned or junk vehicle on public property

1. Vehicles found left unattended creating a hazardous traffic situation may require immediate removal if they cannot be pushed out of the roadway.

iv. Officers shall determine if the vehicle meets the criteria to be classified as an abandoned motor vehicle. A Violation Warning Sticker is affixed to the vehicle in the following manner:

1. Place sticker on the rear window either on the lower left or right side - whichever can easily be seen by passing motorists.

2. Do not place sticker in a position in which it may obstruct the driver's view.

3. Do not place on any painted surface.

4. Do not place more than one sticker on any vehicle.

5. If the vehicle is towed the officer shall write a report and have the vehicle entered into TCIC/NCIC as stored/abandoned.

v. Procedures for removal of abandoned or junk vehicles - private property

1. The police department is responsible for removal of vehicles on private property in accordance with applicable laws.

DD. Juvenile Parties and Large Gatherings

i. Officers responding to calls regarding juvenile parties and gatherings will investigate each call to determine if a criminal offense has taken place. Officers are to conduct their investigations following State Law and Departmental Policy to determine the correct course of action.

ii. If the violation of law involves a Class C Misdemeanor officers are not authorized to enter a residence or fenced in area of the residence, without first obtaining consent to enter from an individual who holds possessory interest in the property, regardless if the violation is an on view offense. All other entry into any residence or fenced property should be supported by:

1. probable cause to believe that a criminal offense classified as a Class B Misdemeanor or higher is in progress and

2. urgent circumstances exist where an officer would not have time to secure a search warrant or

3. consent from someone with possessory interest in the property or

4. a reasonable belief that immediate entry is necessary to protect anyone from physical harm

iii. If it is determined an offense has taken place officers are to take appropriate enforcement action following established guidelines.

iv. If a violation has been determined to involve a minor, the parents or guardian of the minor will be contacted and requested to come to the scene to take custody of the violator.

v. Evidence obtained will be photographed and disposed of following established guidelines.

EE. Liquor Law Violations

i. When an arrest is made in licensed premises because intoxicated persons are permitted to remain on the premise (T.A.B.C Section 104 (6)) a copy of the arrest reports are provided to the Texas Alcoholic Beverage Commission.

ii. In order that desired administrative action be taken the arrest report must contain the following additional information if applicable:

1. Observation by the arresting officer that the licensee or his employee is permitting the intoxicated person to remain on the premise (or was in the position to see the intoxicated person but did nothing to cause him to be removed).

2. Identity of the licensee or the employee who served the intoxicated person (name, age, physical description, address and employment status).

3. Res Gestae statements made by the licensee, employee or intoxicated person.

4. Answers to questions made by the licensee, employee and/or intoxicated person.

5. The TABC license number for the premises.

FF. Major Crime Scenes

i. Initial responding officers shall initiate the preliminary investigation and perform tasks as designated below until otherwise directed by a superior officer, detective or other officer specifically assigned to criminal investigations.

ii. In transit to crime scenes, officers shall be cognizant of suspects/vehicles that may be in flight.

iii. Upon arrival the officer should:

1. Verify that a crime has been committed and relay essential information to communications.

2. Summon emergency medical assistance if required and take those steps necessary to protect victims or others.

3. Arrest the perpetrator if at the scene. A decision to leave the crime scene to arrest or pursue the perpetrator should be made based on weighing the immediate needs of victims and others against the safety of the public if the perpetrator were allowed to escape.

4. Provide communications with such information as:

a. nature of the crime committed;
b. description of the perpetrator and mode/direction of flight;

c. description of any vehicle used by the offender and any accomplices;
d. use of firearms or other deadly weapons; and
e. any support required at the crime scene

5. Identify any witnesses to the crime, secure their identities and request that they remain present at the crime scene until they can be interviewed.

6. Where reasonably possible, obtain the identities on any other persons who were present upon arrival at the crime scene

7. Note the license tags of vehicles parked near the crime scene and be aware of suspicious persons on hand at or near the crime scene.

8. Provide superior officers and any other investigative personnel arriving on the scene with complete information on the offense and the measures taken thus far by officers and others.

9. Responding officers shall enter crime scenes only for purposes of aiding victims or bystanders in need of immediate assistance, apprehending perpetrators or securing the area.

10. Officers making initial entries for the above purposes shall, where feasible, avoid touching, walking upon, moving objects or otherwise altering or contaminating the crime scene. Officers shall advise CID personnel of exit and entry paths.

11. Define the boundaries of the crime scene to include all areas that may reasonably be searched for evidence. As necessary, considering the nature and seriousness of the crime, officers should:

    a. request backup assistance to restrict access to the crime scene and control any on-lookers;
    b. erect barricade tape, rope or cordon off, lock or otherwise secure the immediate crime scene and restrict access to defined crime perimeters; and
    c. record any alterations made at the crime scene due to emergency assistance to victims, the actions of persons reporting the crime, handling of any items of evidentiary value or other actions

12. Restrict all persons from the crime scene who are not directly involved in the investigation. In the case of homicides or other major crimes the officer-in-charge (OIC) shall ensure that the identity of all persons entering the crime scene is recorded.

13. Homicides and other major crime scenes should be approached only as needed in a single defined line in order to avoid destruction of footprints and other impressions and the contamination of scent trails that may be useful in canine searches. The "place last seen" of kidnapped or missing persons should also be protected in a similar manner.

GG. Missing Persons / Kidnapping / Attempted Child Abductions (TBP: 7.33)

i. Reporting/Classification of Missing Persons

a. Officers receiving a report of a possible kidnapping or child abduction will immediate cause notification of a supervisor and the Chief of Police. In cases of a potential kidnapping or child abduction time is of the essence and the department may initiate preplanned protocols for handling these events.

b. Reports of unsuccessful attempted child abductions will require a field unit response and offense report as well as immediate TLETS notification of the Texas Clearinghouse.

c. There is no waiting period for reporting a missing person. Missing person reports shall be taken in-person or by telephone in conformance with the criteria of this policy and the criticality of the incident.

d. A person may be declared "missing" when his/her whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines.

e. An individual may be considered "missing-critical" who meets the foregoing criteria and among other possible circumstances:

i. A reasonable suspicion the individual may be the subject of foul play,
ii. Under 13 or over 65 and may be unable to properly safeguard or care for himself/herself,
iii. suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended;
iv. is a patient of a mental institution and is considered potentially dangerous to himself or others;

v. has demonstrated the potential for suicide; or
vi. may have been involved in a boating, swimming or other sporting accident or natural disaster

f. On any critical missing, the department will continue active investigation by assigning personnel full time in attempting to locate the missing person.

g. Reports of juveniles who have voluntarily left home (i.e., "runaways") should be classified as such only after thorough investigation. The number of incidents where a child has left home voluntarily should be determined and whether the child is in a natural or foster home. This information is needed for data entry into NCIC and TCIC.

2. Initial Report Taking

a. The responding officer must gather as much pertinent information as quickly as possible in order to properly classify a missing person report and initiate proper response. This includes the following information:

i. Name, age and physical description of the subject and relationship of the reporting party to the missing person.

ii. Time and place of last known location and the identity of anyone accompanying the subject.

iii. The extent of any search for the subject.

iv. Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans.

v. Whether the individual has been involved recently in domestic incidents; suffered emotional trauma or life crises; demonstrated unusual, uncharacteristic or bizarre behavior; is dependent on drugs or alcohol or has a history of mental illness.

i. The current physical condition of the subject and whether the person is currently on prescription medication.

b. If the missing person is a child, inquiry should also determine if the child

i. is or may be with any adult who could cause him/her harm;

ii. may have been the subject of a parental abduction;

iii. has previously run away from home, has threatened to do so or has a history of explainable or unexplainable absences for extended periods of time

iv. The current custodial status of the child.

c. A supervisory officer shall also respond on all missing persons cases.

3. Preliminary Investigation

a. The preliminary investigation is intended to gather information and to take those steps that will aid in the search for and location of a missing person. This includes gathering the following types of information and materials:

b. Complete description of the subject and a recent photograph.

c. Officers will conduct a complete and thorough consensual search of the missing person's home and surrounding property as soon as possible. Many children have been found hiding, trapped or asleep in their home. On occasion, evidence of a crime involving the person has also been located.

d. Identity of the last person(s) to have seen the subject as well as friends, relatives, coworkers or associates who were or may have been in contact with the subject prior to disappearance.

e. Plans, habits, routines and personal interests of the subject including places frequented or locations of particular personal significance.

f. Indications of missing personal belongings, particularly money and other valuables.

g. Any suggestions of foul play or accident.

h. In the case of missing children, officers shall be particularly cognizant of information that may suggest the potential for parental abduction or the possibility of stranger abduction, as well as

i. the presence of behavioral problems;

ii. past instances of running away;

iii. signs of an abusive home environment or dysfunctional family situation;

iv. whether the child is believed to be with adults who may pose a danger; and

v. the name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location

i. When possible, officers should search a missing child's school locker, as appropriate for information which may lead to investigative leads.

j. Upon verification of a missing person, a missing person report shall be completed and appropriate entries made as soon as possible in state and national information databases in accordance with established NCIC and TCIC procedures. (Suzanne's Law (42 USC 5779) requires immediate entry into NCIC for any missing person under 21 years of age.

k. Entry of voluntarily missing children (runaways) must be made within eight hours of the initial report and must include information as required by DPS rules regarding their entry.

l. Reports of Attempted Child Abductions will be made to the Texas Clearing House using TLETS as required by DPS rules as soon as possible.

m. In the case of persons designated as "missing critical," a supervisory officer may direct that

i. The agency should utilize the Amber Alert System or Silver Alert System, the A Child is Missing system, or other local notification systems.

ii. The dispatcher broadcast to all persons on duty all information necessary to identify the missing person.

iii. Regional and statewide missing person's reports shall be made.

4. Special Considerations in Custodial Situations

a. If the missing person is:

i. A Child under the age of 18,
ii. Whose whereabouts are unknown to the child's legal custodian for a period of more than 48 hours, and

1. The circumstances indicate a possibility that the child was taken or retained without the permission of the Custodian and with the effect of depriving the Custodian of the possession of or access to the child, (unless the taking or retention of the child was prompted by the commission or attempted commission of family violence as defined by Section 71.004 of the CCP, against the child or actor), or

2. The reporting person indicates that the person taking or retaining the child has legal authority to joint possession, but

is subjecting the child to abuse or neglect (Family Code 261.001),

b. The Department will make a reasonable effort to locate and determine the well-being of the child.

c. If the child is located:

i. And is in possession of a person who has a legal right of custody, the well-being of the child shall be determined.

1. If there is reason to believe that the child is the victim of abuse or neglect (Section 261.001 Family Code), the department will immediately notify the Department of Family and Protective Services, and may take possession of the child pursuant to Family Code Chapter 262, Subchapter B and deliver the child to Family and Protective Services.

2. If the child is not the victim of abuse or neglect, the child will be left in the legal custody of the person where found.

3. The reporting person will be notified that the missing person has been located and determined to be not the victim or abuse or neglect and in the possession of legal custodian. The location of the missing person will not be revealed unless approved by the child's current Custodian.

4. A missing person offense report will be made and a supplement to the offense will be made outlining all department investigative activities and conclusions.

ii. If the child is in possession of a person without legal right to custody of the child,

1. The department shall attempt to determine whether the child is a victim of abuse or neglect.

a. If the child is determined not to be the victim of abuse or neglect, the department will take possession of the child and return the child to the legal custodian and any shall consider pursuing criminal charges, if appropriate, against the possessor.

b. If the child is determined to be the victim of abuse or neglect, the department shall take possession of the child, as indicated above, and delivered to the Department of Family and Protective Services.

Criminal charges may be pursued, if appropriate, against the possessor.

5. Search Procedures

    a. The responding officer will organize and direct the search for the person/child unless relieved by higher ranking personnel.

    b. Should significant search efforts be required, additional personnel will be requested and use of Incident Management System shall be employed.

    c. Canine search may be requested, however canines that are trained in find and bite shall not be used to search for missing persons/children unless in an extreme or life threatening emergency and then only on a controllable leash.

6. Criminal Investigations will:

    a. Request release of dental records and any fingerprints available.

    b. Contact hospitals and the coroner's office as appropriate for injured or deceased persons fitting the description of the missing person.

    c. Thoroughly check the location at which the missing person was last seen and conduct interviews as appropriate with persons who were with the individual or who may work in or frequent the area.

    d. Conduct interviews with any additional family, friends, work associates, schoolmates and teachers as well as school counselors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight or in the case of juveniles, parental kidnapping or running away.

    e. Provide identification and related information to all elements of this agency, the state police missing persons' authority, neighboring police agencies and, if parental or stranger-to-stranger abduction is suspected, the FBI.

    f. Decisions to use local media to help locate missing persons shall be made with the approval of the police chief executive and the missing person's family.

    g. The lead Detective shall maintain routine on-going contact with the missing person's closest relative concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead Detective as soon as any contact is made with the missing person.

7. Recovery of Missing Persons and Case Closure

a. Competent adults, having left home for personal reasons, cannot be forced to return home. Officers locating such individuals shall:

   i. advise them that they are the subject of a wanted to locate investigation;

   ii. ask if they desire the reporting party or next-of-kin to be notified of their whereabouts; and

   iii. make provisions to transmit this information to the reporting party or next-of-kin if permitted by the missing person

b. In all cases, reporting parties shall be informed of the well-being of located missing persons. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.

c. Missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.

d. In cases involving juveniles, officers shall ensure that:

   i. the juvenile receives medical attention if necessary in a timely manner;

   ii. initial questioning of the youth identifies the circumstances surrounding the child's disappearance, any individuals who may be criminally responsible and/ or whether an abusive or negligent home environment was a contributory factor, and

   iii. that parents, guardians and/or the person reporting the missing youth are notified in a timely manner

e. Upon location of a missing person, all agencies and information systems previously contacted for assistance will be notified or updated.

HH. Parking Violations

i. Officers actively enforce parking ordinances in:

   1. handicapped spaces;

   2. fire lanes and

   3. no parking zones

ii. Special attention is given to parking violations in the following circumstances:

1. high traffic areas;

2. peak traffic times and

3. high complaint areas

iii. Enforcement activity is only undertaken in areas lawfully designated by official means or as stipulated by State law.

iv. Officers may remove vehicles in an emergency situation or with the approval of a supervisor in a non-emergency and in accordance with the law.

II. Protective Orders

i. A Protective Order is issued by a court that finds that family violence has occurred and is likely to occur again.

ii. Protective orders are usually valid for a period of one year. Officers must ascertain that the Protective Order is valid before taking any enforcement action.

iii. Officers dispatched to an address will be informed by Communications if a Protective Order is in effect at the address at which they are responding to. Communications will also inform the officers of the identity of those listed in the order.

iv. If through the officer's investigation, it is determined a violation of a protective order has occurred the violator shall be arrested.

v. Once the order has been in effect, no party involved, including the victim, can allow a violation to take place.

JJ. Robbery Investigations

i. Crime Scene Control

1. The initial responding patrol officer secures the crime scene and ensures the protection of evidence from victims, suspects, witnesses, spectators and other Department personnel. Adequate perimeters will be established for the preservation of the crime scene. Officers shall remove or cause to be removed any animals or other conditions which may adversely affect the integrity of the scene. Officers shall request additional assistance as needed.

2. Personnel may enter the crime scene only if they have a legitimate law enforcement function to perform there, and only at the discretion of the Crime Scene Investigator. They are accompanied at all times by a Crime Scene Investigator.

ii. Detective Response

1. The responding Detective assumes direct control of the scene.

2. The Detective shall direct any assistance that is required and designate an officer to secure the crime scene if the initial officer must assume other duties, i.e., take custody of offender, accompany victim to hospital, etc.

3. A Detective shall assign an officer the task of maintaining a crime scene log containing the names of individuals entering and exiting the crime scene including the time of entry/exit.

4. A supervisor or Detective shall assign officers to conduct a neighborhood inquiry:

5. Persons near the scene will be interviewed concerning what they may have seen or heard as well as what they know about the victim and his/her associates

KK. Robbery in Progress Calls for Service

i. On all robbery in progress calls a minimum of two (2) officers are dispatched to the scene.

ii. Upon arrival the following takes place:

1. The officers shall establish an exterior perimeter.

2. Officers shall not enter the building until they are certain there are no robbers inside.

3. When the perimeter is set, they will request communications contact the business.

4. Communications will instruct the business representative, to come outside and meet with the officers.

5. Upon speaking with the business representative communications will notify the officers as to the following:

a. Name of the subject coming out;

b. Description, including clothing;

c. The identification of the subject will be verified by officers;

iii. Unless circumstances prevent, in the event the suspects are still inside the business, officers should refrain from making contact with any suspect until the suspect(s) exit the building.

LL. Sexual Assault Investigations

i. Initial Officer Response

1. As part of the emergency response officers shall:

a. Make contact with the victim as soon as possible to address safety concerns and summon emergency medical assistance if needed.

b. Attempt to obtain a suspect description immediately and broadcast to other officers

c. Evaluate the scene for people, vehicles or objects involved as well as possible threats

d. Relay all vital information to responding officers and supervisors including any possible language barriers

e. Secure the crime scene to ensure that evidence is not lost, changed or contaminated

f. Request response from detectives as appropriate

g. Begin a search for the suspect when appropriate

ii. Assisting the Victim

1. As part of the emergency response, officers shall:

a. Show understanding, patience and respect for the victim's dignity and attempt to establish trust and rapport.

b. Inform the victim that an officer of the same sex will be provided if desired and available.

c. Contact a victim advocate as soon as possible to provide assistance throughout the reporting and investigative process.

d. Supply victims of sexual assault with the phone number for the Rape, Abuse, and Incest National Network (RAINN) Hotline, 1-800-656-HOPE. Operators at this hotline connect the caller with the rape crisis center closest to the victim's location.

2. Request a response from investigations and clearly explain his or her role and limit the preliminary interview so that the victim is not then asked the same questions by a Detective.

3. Be aware that a victim of sexual assault may bond with the first responding officer. It is important to explain the role of the different members of the sexual assault response team and help with transitions through introductions.

4. Record observations of the crime scene including the demeanor of the suspect and victim and document any injuries or disheveled clothing.

iii. Evidence Collection Issues

1. Officers shall introduce the need for a medical examination to the victim explaining the importance to investigative and apprehension efforts as well as for the victim's well being.

2. If field officers are required to collect or assist in collecting evidence proper evidence collection procedures will be used.

3. DNA evidence plays a crucial role in the sexual assault investigations. In addition to the victim's and suspect's bodies and clothing, there are many other potential sources such as condoms, sheets, blankets, pillows and bottles that may contain biological evidence such as blood, sweat, tissue, saliva, hair and urine. To properly collect DNA evidence officers shall:

a. Use sterile gloves and change as needed

b. Use sterile swabs, papers, solutions and tools

c. Package evidence in individual envelopes

d. Avoid touching the area where potential DNA evidence may exist

e. Avoid talking, sneezing and coughing over evidence

f. Air dry evidence before packaging

g. Put evidence into new paper bags or envelopes…not plastic

4. The sexual assault evidence kit shall be accepted from the medical staff after it has been properly sealed and labeled.

5. The kit will contain whole blood that requires that the kit be placed and logged into an evidence refrigerator as soon as possible. The kit may also contain a urine sample for toxicology testing. If it does, the urine sample shall also be refrigerated as soon as possible.

6. The kit shall not be allowed to freeze or be exposed to heat such as being near a car's interior heater.

MM. Stranded Motorists

i. Motorists who are stranded due to accident or mechanical difficulty are provided reasonable assistance as needed.

ii. Should the motorist need a wrecker, the officers will inquire as to which wrecker company is preferred. If the motorist has no preference, the next wrecker on rotation call will be contacted.

iii. The officer will remain at the scene if:

1. The street is obstructed.

2. A traffic hazard exists;

3. Debris or other hazards are present.

4. The stranded party is elderly, disabled, small children are present, or the person has expressed fear or a desire for the officer to remain until assistance arrives.

iv. Officers may use whatever emergency equipment is necessary to provide protection. but is not necessarily limited to, the following:

1. emergency lights;

2. hazard lights;

3. Turbo-flares;

4. traffic triangles; and

5. temporary barricades

v. Officers may arrange for or provide local transportation to stranded motorists. Officers shall restrict this transportation to the locations within the Bastrop ISD when the situation reasonably allows such, unless otherwise approved by a supervisor.

NN. Suspicious Persons

i. Normally two officers should respond to a suspicious person call. Officers should use caution when approaching a suspicious person:

1. If possible approach from behind in a well-lit area.

2. Stop far enough back to allow time for you to exit your unit.

3. Never pull alongside the individual.

ii. Responding to residences the officers should first make contact with the complainant prior to conducting any search. Communications may keep the caller on line, updating the officer with information.

OO. Terrorist Screening Center

i. When checking individuals for wanted, officers may receive a warning notice from the Terrorist Screening Center with a Code Response. In all circumstances, do not let the person know they may be on the Terrorist Watch-list. Take action based on the type of Code response provided.

ii. Code 1 – Approach with Caution – Arrest. There may be a federal warrant for the subject, take necessary precautions and arrest if a warrant exists.

iii. Code 2 – Approach with Caution – Detain. There may be a federal detainer notice for the subject. Take necessary safety precautions and detain while contacting the Terrorist Screening Center.

iv. Code 3 – Approach with Caution. Arrest only if there is evidence of a local, state, or federal crime. Do not let the subject know they may be on the Terrorist Watch-list. Gather as much information as possible regarding suspect's identity, associates, and current addresses. Contact the Terrorist Screening Center with the information as soon as possible.

v. The Terrorist Screening Center can be contacted at 866-872-9001

VI. EQUIPMENT MAINTENANCE AND READINESS

a. Vehicle Maintenance Procedure

i. Employees assigned a department vehicle assume responsibility to ensure that any malfunctions or mechanical problems with the assigned vehicle are promptly reported through the established reporting procedures.

ii. The dealer performs all warranty maintenance of department vehicles while under warranty.

iii. A private vendor may be utilized for out of warranty vehicles.

iv. All such maintenance is scheduled through work orders forwarded to the Administrative Assistant.

v. Any employee experiencing difficulties with any vehicle of this department during their tour of duty that would obviously cause additional damage to the unit shall:

1. Discontinue its use; and

2. Complete a vehicle repair request form.

vi. All requests for maintenance work on department vehicles are documented on a vehicle maintenance request form.

vii. No employee shall alter, or authorize the alteration, of any vehicle, without the approval of the Chief of Police or his designee.

b. Equipment Maintenance Procedure

i. Maintenance and servicing of all department equipment is scheduled through the Administrative Assistant of the Chief of Police.

ii. Any employee experiencing a malfunction or failure of any equipment belonging to the Department shall report the problem on an equipment repair request form.

iii. All requests for maintenance work to be done on department equipment will be documented on an equipment repair request form.

iv. Each employee of this department is responsible to ensure that any personal use equipment issued by the department is kept in good repair and working order.

v. Personal equipment obtained at the expense of the employee is maintained and repaired at the employee's expense.

vi. Maintenance of Inventory:

1. Officers shall conduct a pre-shift inspection of their assigned patrol unit, noting any deficiencies.

2. Supplies should be replenished immediately when depleted.

c. Equipment Readiness

i. All equipment assigned to the patrol division is kept in a state of readiness. Patrol supervisors are responsible for the maintenance and readiness of all equipment assigned to the police department.

d. Knife Use and Safety

i. This department recognizes the need for its officers to be properly equipped to handle a wide variety of duty responsibilities. Officers may carry police folding utility knives as authorized by this policy and consistent with their duty assignment.

ii. The police utility knife is intended solely for the purpose of carrying out the general duties and designated specialized assignments of police operations; its use as a defensive or offensive weapon is authorized only in exigent circumstances.

iii. Officers serving in specialized assignments, such as special weapons and tactics, ordnance disposal and canine units may carry a utility knife of such quality and design to withstand the rigors and job responsibilities of their assignment as determined by their commanding officer or unit supervisor.

iv. Police utility knives shall be folded and secured by a fastening device so as to ensure officer safety, knife retention and concealment. The blade and securing device shall be carried in the least obtrusive manner possible, whether the officer is on or off duty, and consistent with the officer’s duty assignment or tactical deployment.

v. Folding blade utility knives shall conform to agency-defined quality standards to meet the demands of work assignments as defined by departmental policy and the officer’s commanding officer. The cutting edge of such knives shall not exceed four and one-half inches in length as measured from blade tip to handle. Authorized users shall not:

1. Display a knife in any offensive or threatening manner without legitimate operational justification.

2. Carry a knife in any manner other than clipped in a pocket or waistband or inside the pants or vest.

3. Carry a knife while handling prisoners in a custodial facility, except when needed for rescue, suicide prevention or other authorized purposes as determined by supervisory officers.

vi. Uses as a weapon. The police utility knife is not intended for use as a weapon and officers are discouraged from using it in this capacity. However, if it is used in defensive or offensive capacities under exigent circumstances, it shall be deemed a use of deadly force and is governed by this department's policies on use of force to include, but not be limited to, summoning a supervisor and reporting it as a use of force.

e. Mobile Video Recording System

i. The use of a Mobile Video Recording (MVR) system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct.

ii. 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.

iii. 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. MVR equipment shall automatically activate when emergency equipment (lights) or a wireless transmitter is operating. The system may also be activated manually from the control panel affixed to the interior of the vehicle.

2. Placement and operation of system components within the vehicle shall be based on officer safety requirements.

3. All officers shall successfully complete this department's FTO program prior to being deployed with MVR systems in operational settings.

4. Inspection and general maintenance of MVR equipment installed in departmental vehicles shall be the responsibility of the officer assigned to the vehicle.

5. 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 - System plays back both audio and video tracks.

    e. Log into the system with the flash drive to personalize the recording

6. Malfunctions, damage or theft of in-car camera equipment shall be reported to the immediate supervisor prior to placing the unit into service.

7. 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

8. When the MVR is activated, officers shall ensure that the audio portion is also activated so all events are properly documented. Officers are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.

9. Officers using the 900Mhz 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.

10. Officers shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.

11. When the MVR is activated to document an event, it shall not be deactivated until:

    a. the event has been concluded unless the incident or event is of such duration that the MVR may be deactivated to conserve recording times and

    b. the officer does not reasonably believe that deactivation will result in the loss of critical documentary information and

    c. the intention to stop the recording has been noted by the officer either verbally or in a written notation

12. Supervisors' Responsibilities

    a. Supervisors shall issue personalized flash drive

    b. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shootings, departmental accidents), a supervisor shall respond to the scene and ensure that the crime scene investigator obtains the mobile video recording.

    c. The technician or Detective shall then place the mobile video recording into evidence and provide copies to authorized investigative personnel; and

    d. ensure the appropriate notation is made in the chain of custody log

    e. All recordings are maintained on the video server

13. The supervisor shall periodically check the Digital Ally system to ensure recordings are being downloaded.

14. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.

15. Supervisors shall conduct periodic reviews of officer assigned media in order to periodically assess officer performance; assure proper functioning of MVR equipment; determine if MVR equipment is being operated properly and identify recordings that may be appropriate for training.

16. Supervisors shall conduct bi-weekly reviews of personnel who are newly assigned MVR equipment in order to ensure compliance with departmental policy. Supervisors shall thereafter conduct quarterly reviews.

17. 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.

18. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken

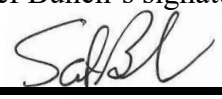
19. Supervisor shall ensure that adequate recording media is on hand and available for issuance

20. Technicians' responsibilities. A designated officer or other employee shall be responsible for the ordering, issuance, retrieval, storage, erasing and duplication of all recorded media.

    a. Recorded media may only be degaussed/erased pursuant to a court order; or in accordance with established retention guidelines of at least 90 days.

21. Media Duplication

All recording media, recorded images and audio recordings are the property of this department. Dissemination outside of the agency is strictly prohibited without specific written authorization of the Chief of Police.

	Subject: Vehicle Operations and Pursuits	Issue Date: 11/30/2015
	Chapter: 7	Revision Date: 05/01/2020
	Policy: 7.1 Reference: TBP: 7.13, 7.14, 7.15, 7.19, 7.20, and 7.24	Total Pages: 14 Chief Bunch's signature: 

Vehicle Operations and Pursuits

I. POLICY

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

II. PURPOSE

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

III. DEFINITIONS

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

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

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

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

IV. PROCEDURES FOR ALL RESPONSES (TBP: 7.15)

A. General

1. All Departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Police vehicles are conspicuous symbols of authority on the streets and the actions of police drivers are observed by many. Each police driver must set an example of good driving behavior and habits. All officers are allowed to use their assigned vehicle as a "take home" vehicle. Officers will be allowed to drive their assigned vehicle home after each shift, up to a 25-mile radius from the BISD Service Center at 906 Farm St, Bastrop, TX 78602. If the officer lives outside that radius they will be allowed to find a secure place to park their vehicle within that 25-mile radius of the BISD service center and leave their vehicle in between shifts.

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

B. Routine Operation

In case of accident or damage to any police vehicle, the driver shall immediately request either the driver's supervisor or a Texas State Trooper to conduct an investigation which shall be reported immediately on a state accident investigation form if appropriate under the circumstances of the accident. The Chief of Police shall review all such reports and take appropriate action, to include coordination with the BISD Superintendent.

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

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

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

4. Seat belts and shoulder straps shall be worn by all police personnel and passengers during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible. The only exception is at approach to any scene of an incident or service call where the police officer believes a rapid departure from the vehicle may be required; the officer may release the seat belt. Seat belts shall, however, be worn any time the vehicle is being operated under emergency conditions. (TBP: 7.20)

C. Inspection (TBP: 7.24)

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

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

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

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

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

D. Driving Rules

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

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

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

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

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

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

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

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

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

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

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

11. Regardless of the seriousness of the situation to which the driver is responding, and exigent circumstances that are clearly beyond the driver's control, the operator of a police vehicle shall be held accountable for the manner in which the vehicle is operated.

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

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

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

V. PROCEDURES FOR EMERGENCY DRIVING

A. General

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

2. Recognizing that protection of human life is paramount, the responding officer must remember that the officer's objective is to get to the location of the occurrence as soon as possible--safely--without danger to the officer or to others. The Texas Transportation Code imposes a duty upon all drivers of emergency vehicles to

operate the vehicle with appropriate regard for the safety of others – regardless of conditions. Transportation Code Section 546.005

B. Call response

1. Calls for service are classified as Code 1 or 3 depending on circumstances. The codes are as follows:

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

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

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

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

   b. burglary in progress;

   c. robbery in progress;

   d. person with deadly weapon;

   e. serious injury accident;

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

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

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

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

4. Officer-initiated response:

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

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

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

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

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

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

VI. PROCEDURES FOR PURSUITS (TBP: 7.13)

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

B. Supervisor’s Responsibilities - The patrol supervisor shall monitor the pursuit and respond. The supervisor may end the pursuit at any time that the supervisor believes circumstances warrant.

C. Back-up Responsibilities - The first back-up unit to respond shall assist the primary officer in making the arrest. The back-up unit shall also assume the responsibility of updating the dispatcher with the location and direction of

travel of all vehicles involved, thereby allowing the primary officer to focus attention on the pursuit driving.

D. Justification for Pursuit - Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intentions to avoid apprehension for a felony or misdemeanor which 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. In ***all*** pursuits, the officer will consider the need to apprehend against the risk of injury to the officer or others from the pursuit. This consideration will apply both to the decision to initiate the pursuit and to the continuous decision to maintain the pursuit throughout until the conclusion or abandonment of the pursuit. If it appears ***at any time during the pursuit*** that the risk of injury outweighs the need to apprehend, the pursuit will be abandoned immediately by the pursuing officer or on order of the officer's supervisor.

1. Pursuits will not be initiated for Class C traffic offenses alone.

2. 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.

E. Considerations in deciding to engage or continue pursuit:

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

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

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

b. What is the possibility of apprehension?

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

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

e. Street and traffic conditions.

f. The weather conditions.

g. Road conditions and lighting (visibility).

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

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

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

a. Decelerate and be prepared to apply the brakes.

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

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

F. Rules of Pursuits

1. Unless necessary to protect the public from an immediate threat of serious physical injury, officers shall not ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an

attempt to force them off the road or into an obstacle. Officers shall not use their vehicles in any manner other than to provide transportation during the pursuit. Use of the vehicle as an instrumentality to force an end to a pursuit is considered, except in very low-speed and controlled circumstances, a use of deadly force and is governed by deadly force principles.

2. Pursuits shall be limited to three police vehicles, a primary, a secondary (which will call the pursuit, and a third unit to assist in the apprehension. Other police vehicles shall not leave their assignments to join the pursuit. Additional units may participate but only under order by the senior officer on duty or the sergeant.

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

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

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

6. A supervisor may direct that the pursuit be ended. If the pursuing officer receives such an order to stop the pursuit, the officer shall do so immediately and acknowledge the order. Also, the pursuing officer(s) must end the pursuit if at any time during the course of the pursuit the officer(s) loses sight of the fleeing vehicle for an extended time.

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

   a. the safety of officers;

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

c. the protection of citizens and their property.

A roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify the dispatcher of its precise location. The Department stresses that roadblocks constitute a last resort in stopping a fleeing violent felon and should be used in only the most extreme circumstances.

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

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

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

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

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

13. In case of pursuit, should the violator enter a one-way street against the flow of traffic, or enter a major highway or interstate freeway by proceeding along an exit ramp, the pursuing officer shall not follow

the violator but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel.

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

VII. ABANDONING PURSUIT

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

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

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

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

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

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

Discontinuing a pursuit does not mean that the officer cannot follow the vehicle at a safe speed, or remain in the area ready to resume the pursuit if the opportunity presents and circumstances warrant. Officers, when pursuing, shall resist the temptation to follow too closely in an effort to force actions by the pursued offender; but instead simply follow the violator and allow the violator to make the driving mistakes. No officer will be disciplined for discontinuing a pursuit.

VIII. PURSUIT REPORT

A. At the conclusion of each pursuit, the pursuing officer shall submit a report to the officer's immediate supervisor which includes all reasons for the pursuit, and all circumstances and facts bearing upon the need to initiate and continue the pursuit and upon the risk to the public, the suspect and pursuing

officers. The report shall describe the circumstances of the pursuit termination and list all charges and arrests made.

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

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

IX. **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.

a. Deployment must be made in safety and in an area that is free of obstructions for at least 100 yards in each direction.
b. Deployment is made per manufacturer's instructions always keeping the deploying officer safe from possible vehicular danger.
c. The device must be retracted prior to departmental vehicles running over them.
d. Officers deploying the device will notify on coming departmental vehicles of the deployment location so that they may slow to avoid running over the devices.

B. 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 <u>only</u> if

the other agency specifically requests help and the on-duty supervisor approves our participation. Any non-pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstances dictate.

4. When the fleeing suspect is apprehended in another jurisdiction, the pursuing officer shall take the arrested person before a judicial officer of that jurisdiction. The officers shall then go before our local magistrate to obtain a warrant and ensure that a teletype is sent to the apprehending jurisdiction as soon as possible, acting as a detainer.

5. When a fleeing suspect from another jurisdiction is apprehended within the county, the apprehending officer shall take the arrested person before a magistrate. The on-duty supervisor shall confer with the other jurisdiction to determine which shall maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective magistrate.

X. 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 collect and secure all video of the pursuit and shall review 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 the Chief's findings. Should a policy violation be identified, the Chief will direct 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.

	Subject: Accident and Injury Prevention	Issue Date: 11/30/2015
	Chapter: 7	Revision Date: 06/01/2020
	Policy: 7.2 Reference: TBP: 4.10	Total Pages: 4 Chief Bunch's signature:

Accident and Injury Prevention

I. POLICY (TBP:4.10)

Motor vehicle crashes involving agency vehicles present serious risks to agency personnel and the public as well as considerable financial loss due to injury, loss of manpower, vehicle damage and possible tort liability. Personnel injuries also result in lost time, financial loss and 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

This policy provides 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—with another vehicle, stationary object or person—owned by or assigned to this agency that results in property damage (regardless of amount) or personal injury.

B. Personal Injury: For purposes of this policy, a personal injury is any injury to a member of this department resulting in immediate or subsequent treatment by a physician, lost work time or 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.

B. 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.

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. The Chief will review the supervisory investigation and make a determination of whether the accident or injury was Preventable or Non-Preventable.

6. Remedial Action

   In addition to any other disciplinary measures taken by the department for a violation of policy members of the department may be required to comply with the following:

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

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

   c. If a member has three or more preventable vehicle crashes in a 24 month period the member may be placed in a non-driving status for up to one year.

   d. More than four vehicle crashes in any 5 year period may result in termination for failure to perform basic job functions in a safe manner.

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

C. Annually the Chief of Police 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 or personal injuries. The report with its recommendations will be reviewed for and any necessary action.

	Subject: Traffic Enforcement and Vehicle Stops	Issue Date: 11/30/2015
	Chapter: 8	Revision Date: 05/01/2020
	Policy: 8.1 Reference: TBP: 7.21, 7:22, 7.28a, 7.28b, 7.28c, 7.28d	Total Pages: 15 Chief Bunch's signature:

Traffic Enforcement and Vehicle Stops

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 have legal justification for stopping a motor vehicle as provided by the Fourth Amendment to the U.S. Constitution. Without such justification, evidence of illegal activity discovered during the course of a stop may be inadmissible in court.

2. 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.

3. 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.

4. 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.

5. Officers are reminded that they have full discretionary authority in the type of enforcement actions to be taken, subject to the guidelines contained herein. Officers are encouraged to use good judgment, understanding and compassion in making a decision on the proper enforcement activity. (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.

3. Physical arrest (TBP: 7.28d)

a. In compliance with Transportation Code 543.002, officers shall make a physical arrest and take the violator before a magistrate when the officer believes that

i. the violator has committed a felony; or

ii. the violator 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; or

iii. the violator refuses to give a written promise to appear under TRC 543.005 (Promise to Appear).

iv. A violator may not be physically arrested, but must be issued a citation for offenses of Speeding or violation of the Open Container law.

b. If the violator refuses to sign the citation, the officer will write "Refused to Sign" in the signature block and the violator will be arrested for a violation of Texas Transportation Code, Chapter 543, Subchapter A, Section 543.002(a)(2), for refusing to make a written promise to appear in court as provided by this subchapter.

C. Handling special categories of violators

1. Juveniles

a. 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, 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.

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. Members of Congress stopped for a traffic infraction, upon presentation of valid credentials, 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

The 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. Answer the motorist's questions about the summons as thoroughly as possible.

IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

A. Hazardous violations

Citations may be issued for any hazardous violation which in the officer's experience has caused accidents at the specific location.

B. 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 inspection stickers. Officers shall not issue an inspection citation until the 10th day of the month following the month the inspection expired.

C. 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.

D. 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.

E. 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 where 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: 7.28c)

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.

   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 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 the violator 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 headlights for high-beam and employ emergency bar lights and emergency flashers.

5. Approaching the violator (right side approach)

    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 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.

    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 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.

    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 the 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 has been 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 registration. 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 orally 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.

7. Conducting the transaction

a. Return the violator's driver's license, registration, and a copy of the citation or warning, if given.

b. Release the defendant after the defendant 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 Accountability

1. Officers who discover errors after citations have been sent to Municipal or Justice 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 through their supervisor to the Chief of Police for approval and forwarding to Court.

B. Voided Citations

Citations marked void will be received by municipal court and entered into a voided document system.

VIII. DWI/DUI ENFORCEMENT PROCEDURES

A. Laws

It is unlawful for any person to drive or operate any motor vehicle, engine or train while under the influence of alcohol or while under the influence of any narcotic drug of any nature.

B. Responsibilities

Officers shall be alert for suspected DWI offenders. Officers shall use and document standardized roadside sobriety tests. Officers must carefully document the behavior of the 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. Intoxilyzer

1. The security and care of the Intoxilyzer and all physical evidence obtained from it is every officer's responsibility.

2. The Intoxilyzer is located at the Bastrop County Sheriff's Department.

D. Sobriety tests

1. Officers shall administer a minimum of three field sobriety tests from the following list. The list names the most commonly administered tests.

    a. Horizontal Gaze Nystagmus (only if properly certified).

    b. Walk and turn.

c. One-leg stand.

d. Reciting the alphabet.

e. 10 count.

f. Nose find.

g. Coin lift.

2. If an officer suspects that the vehicle operator was driving under the influence of both alcohol and drugs, or drugs alone, the officer 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 for evidence of alcohol and for various illegal, prescription and over-the-counter drugs.

3. The officer shall make a full written report of the circumstances of the DWI arrest, formation of probable cause, and witnesses' observations.

E. 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 the arrestee's 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 DWI.

b. Advise the arrestee that either a breath or blood sample may be elected, 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 the arrestee that unreasonable refusal of the test constitutes grounds for the revocation of the driver's license and that a separate charge shall be placed to which the arrestee will have to answer in court.

F. Blood test procedure

1. Take the arrested person to a physician, registered professional nurse, graduate laboratory technician or other technician designated by order of the court who shall withdraw blood for the purpose of determining its alcoholic content and drugs.

2. The arresting officer shall also witness the doctor or technician taking the blood sample and ensure that an alcohol solvent is not used to cleanse the withdrawal location. The officer shall initial the vial labels (on two vials) before the doctor or technician seals the vials in their containers.

   The initial shall be placed on the label where it 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 the medical person's 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 the containers.

G. Breath analysis

1. Chemical analysis of a person's breath shall be performed by anyone possessing a valid license, issued by the Department of Public Safety. This may include the arresting officer or anyone participating in the arrest. In the event the Intoxilyzer 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 Department of Public Safety.

3. The testing officer shall sign the certificates of breath alcohol analysis which indicates that the test was conducted per the Department of Public Safety specifications.

H. Accident investigation

If the 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.

IX. SPECIAL TRAFFIC PROBLEMS

A. Identification and referral of driver recommended for reexamination to the Texas 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 them from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement the officer 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.

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 to officers 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, the officer 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.

X. 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, dignitaries and public officials, and authorized public school events. 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 written plan approved by the chief.

B. Funeral escorts

1. Funeral escorts may be provided for a law enforcement officer, fire fighter, civilian member of Bastrop ISD or their immediate family member. 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.

3. No escorts shall be provided if the body of the deceased is not in the procession.

	Subject: Vehicle Impoundment and Inventory	Issue Date: 11/30/2015
	Chapter: 8	Revision Date: 06/01/2020
	Policy: 8.2	Total Pages: 7 Chief Bunch's signature:

Vehicle Impoundment and Inventory

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. 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.

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 a 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 on District property may order the vehicle towed at the owner's expense.

F. Unattended traffic hazard/violation of law

Officers may tow any unattended motor vehicle found on District property that constitutes a traffic hazard or is parked in such a manner as to be in violation of the law.

G. Unattended vehicle

Whenever any motor vehicle is left unattended for more than ten days upon any District property, the officer may order it towed at the owner's expense.

H. Abandoned vehicle

1. Whenever any motor vehicle is abandoned on District property, the officer may order it towed at the owner's expense.

2. A vehicle may be presumed abandoned if it lacks a current license plate, a current county, city, or town tag or sticker or a valid state inspection, and it has been left unattended on district property (other than an interstate or primary highway) for more than 48 hours.

I. 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 an approved impound 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.

J. 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 prisoners' 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 the friend/relative, the friend/relative possesses a current driver's license, and the arrestee consents to the release either in writing or on the audio/video in-car recording system.

    b. The arrestee agrees to lock and leave the vehicle in a legal parking space, where a parking violation will not occur before arrangements can be made to recover the car.

2. The officer may tow the vehicle if the officer believes the above methods 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 a 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.

K. 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 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 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 the tow service was called.

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 30 minutes of a call. If a wrecker does not arrive within the allotted time, the officer may ask the dispatcher to cancel the original wrecker and send the next available wrecker on rotation list.

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 15.1 and 15.2.

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 15.2 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 and provide the tow driver a duplicate copy of the 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.

	Subject: Investigations	Issue Date: 11/30/2015
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	Policy: 9.1 **Reference:** TBP: 7.04, 7.05, 7.09 and 7.10	Total Pages: 15 Chief Bunch's signature: 

Investigations

I. POLICY

The primary purpose of an investigation is to collect facts leading to the identification, arrest and conviction of an offender and to organize and present the facts for a successful prosecution. The single most important criterion which determines a successful investigation is correctly obtaining and handling information supplied by a victim or witness immediately after the crime. The Bastrop ISD Police Department expects officers to treat investigations 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. The solution of crimes often is a function of the physical evidence left at the scene or information provided by victims and witnesses. Follow up investigations are therefore necessary. Because our resources are limited, prioritization of investigative resources is an unfortunate necessity. The department will therefore strive to investigate those crimes that are the most serious in nature and those that have the highest likelihood of solution.

II. PURPOSE

To establish guidelines for the general conduct of preliminary and follow-up investigations.

III. PROCEDURES - PRELIMINARY INVESTIGATIONS

A. General

The preliminary investigation begins when the first officer arrives at the scene of a crime (or a citizen requests help) and continues until a specialized Detective arrives and assumes responsibility. Patrol officers are responsible for the preliminary offense report in all cases unless 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. Erect barricade tape, rope or cordon off the immediate crime scene. Record any alterations to the crime scene because of emergency assistance, the immediate necessity to handle evidence or the actions of witnesses, victims 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 descriptions, method and direction of flight of suspects and other relevant information concerning wanted suspects or vehicles.

6. Determining the identity of all witnesses.

7. Collecting evidence. Patrol officers who have been trained in collecting evidence will collect physical evidence to the limit of their ability and training. When additional evidence requires collection, 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

1. The initial stages of all preliminary investigations, including crime scene processing in some cases, shall be conducted by patrol officers.

2. Patrol officers will conduct follow-up investigations in most misdemeanor crimes. In certain serious crimes as defined in Section IV below, Detectives 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, along with legibility, clarity and completeness. Supervisors shall review, approve and sign crime reports.

2. Supervisors shall limit access to crime scenes to those persons immediately and directly connected with the investigation. This rule applies to other officers of the department, 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 a Detective. Officers who conduct preliminary investigations of these offenses shall contact a Detective 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 Detective is unable to respond to the scene, the report will be forwarded to the Detective at the end of shift.

B. All other offenses will be investigated by the responding officer unless otherwise directed by the on-duty supervisor. Should the responding officer believe the follow-up investigation is either beyond the officer's ability (either because of lack of expertise, shift assignment or other reason), the officer will contact the officer's supervisor for direction.

C. The Supervisor and 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 discontinued until the assigned officer's next tour of duty, assigned to the next available officer or a Detective or overtime 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 the officer works on it. A supplement recording the investigating officer's activity, information developed and case status shall be prepared at least every 10 days and forwarded to investigations. The officer or Detective shall maintain a case file to include supplemental reports.

D. Officers and Detectives conducting follow-up investigations shall continue the investigation of criminal offenses until conclusion or until there are no additional workable leads that would likely result in the identification of a suspect or recovery of property. If the officer's time is limited, follow-up of cases will prioritized by seriousness of the crime and likelihood of identifying a suspect. Officers and Detectives shall consult with their supervisors for additional assistance if cases with workable leads are unable to be completed.

E. Victims will be kept informed of the status of the case periodically and when the case is closed or suspended.

F. 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, Detectives, and supervisors will keep the Chief of Police informed of the status of significant criminal cases.

G. 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 community and other Detectives/agencies).

    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 prosecuting 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, 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 9.11.

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, field interviews 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 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."

b. The following represent examples of situations that are not "custodial" and do not require issuance of *Miranda* warnings.

i. Investigatory stop and frisk.

ii. Questioning during a routine traffic stop or for a minor violation; to include 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 warnings is prohibited as 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. Waivers of one or both 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 whom 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 the suspect's right to remain silent all interrogation shall terminate immediately.

b. Officers may interrogate a suspect who has previously invoked the right to silence, if, after the passage of time the suspect initiates communication with officers. However, prior to questioning; *Miranda* warnings shall be re-administered and a waiver obtained.

4. Invoking the Right to Counsel

a. If a suspect waives the right to counsel, a written waiver shall be obtained prior to questioning. When a suspect makes reference to counsel but the suspect's intentions are unclear, officers may question the suspect further to clarify the suspect's intentions. When a suspect invokes the right to counsel, all interrogation shall cease immediately.

b. The suspect may not again be interrogated about the crime for which the suspect is charged, other crimes, or by other officers (from this or other agencies) unless the suspect's attorney is present at the questioning or

c. There has been a break in custody of more than 14 days and the individual is re-advised of the individual's *Miranda* rights and indicates the individual is waiving the right to counsel (written waiver) or

d. 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.

e. 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 the suspect for food, drink, use of lavatories or for other purposes

2. Officers shall electronically record, using both visual and audible means, custodial interrogations conducted in a place of detention involving major crimes as defined by this department. 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. If electronic recordings cannot be conducted due to equipment failure, lack of suspect cooperation or for other reasons 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.

4. Transporting officers need not refrain from questioning a suspect who has indicated a willingness to talk either at the scene or en route to the place of detention. However, officers shall not purposefully engage in custodial interrogations involving major crimes as defined by this policy in order to avoid this department's requirement for electronic recording.

5. Recording Protocol

    a. Suspects do not have to be informed that they are being recorded.

    b. The primary interviewer shall, where possible, obtain a signed waiver from the suspect before beginning the interview. If the suspect elects not to be recorded or refuses to engage in the interview, the suspect's rejection shall be recorded when reasonably possible.

    c. Interviews and confessions shall be recorded in their entirety starting with the interviewer's entrance into the interview room and concluding upon departure of the interviewer and suspect.

    d. When commencing the recording, the primary interviewer shall ensure that voice identification is made of officer(s), suspect(s) and any others present, and that the date, time and location of the interview is verbally recorded.

e. When beginning a new recording, the interviewer shall announce the date and time that the interview 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 interview.

    iii. Concurrence by the suspect that the interview 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 advised of their *Miranda* warnings.

    v. Notation of the time the interview 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. Recording attorney-client conversations is prohibited.

    vii. At the conclusion of the interview, the interviewer shall state that the interview is concluded and note the date and time of termination. The recording shall continue until all parties have left the interview 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 interview.

    ii. Both the original and copies of all recording media shall be protected from re-recording.

iii. Only one interview shall be recorded on each recording media.

iv. The identifying information items supplied on the recording label shall be completed and the recording marked either as an original or a copy.

v. The reporting Detective's follow-up report shall note if and how the interview was recorded.

vi. 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

Compliance with constitutional requirements during criminal investigations

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

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

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

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

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

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

IX. RELATIONSHIP WITH PROSECUTING ATTORNEY

A. All personnel shall respond to requests for appointments from the prosecuting attorney, be on time and have the subject for discussion ready.

B. In every contested case, misdemeanor or felony, the officer involved shall make an appointment with the prosecuting attorney or the assistant district attorney to discuss the case before trial.

C. During any investigation (or during planning for arrest or pretrial stages), any questions of law or criminal procedure shall be addressed to the prosecuting attorney. Questions on law enforcement procedures shall be addressed to the Chief of Police.

D. The prosecuting attorney may advise the Chief of Police 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 detective shall maintain files of all cases assigned to the officer/detective. All case files shall be appropriately labeled with the date of incident, name of victim, or name of suspect or arrested person. The file shall contain the original incident report, any supplementary reports, statements, photographs, lab reports, reports of disposition of any property stolen, confiscated, recovered or otherwise pertinent to the case, arrest reports, and anything else the Detective deems pertinent.

B. When the investigation is complete, the Detective shall close the case under (and include in the file a statement giving) one of the following labels:

1. Cleared - An arrest has been made in this case.

2. Exceptional Clearance - The identity and address or exact location of the culprit is known and sufficient evidence to obtain a warrant exists. However, due to some reason outside the control of the police, no arrest will be made. Examples: Complainant will not prosecute; prosecuting attorney will not prosecute; perpetrator is dead; subject arrested by another jurisdiction and no charges will be placed by the department.

3. False Report - The reporting party lied in order to mislead the police concerning the incident. Do not confuse unfounded and false report. It is a violation of the law to deliberately make a false report. An unfounded report is usually made in the belief that the offense actually occurred, but in fact, it did not.

4. Unfounded - The offense did not really occur in the first place, although at the time of the original report it was believed to have occurred. If the investigation has exhausted all leads yet the possibility remains that new facts may come to light given future inquiry the case shall remain open.

5. Suspended - All leads have been exhausted. No further investigation is possible or practical until new leads develop.

C. The officer's or Detective's supervisor shall approve the case closure.

D. Upon closing the case the case file is forwarded to the records custodian for filing.

	Subject: Child Abuse	Issue Date: 11/30/2015
	Chapter: 9	Revision Date: 06/01/2020
	Policy: 9.2	Total Pages: 6 Chief Bunch's signature:

CHILD ABUSE

I. POLICY

It is the policy of the Bastrop ISD Police Department to protect and ensure the safety and welfare of the children in this jurisdiction. All police officers must be knowledgeable about child abuse and neglect, their effect on children and help the children who become victimized. Coordination with other criminal justice and social service agencies is a necessity. Initial responsibility for investigation of such cases lies with the Bastrop ISD Police Department. Law enforcement must assume leadership in the prevention of child victimization and in the prosecution of offenders.

II. PURPOSE

To establish guidelines for investigating crimes in which the victims are children.

III. PROCEDURES

A. General Responsibilities

1. "Child" refers to any person under the age of 18 years.

2. Department personnel shall be aware of local social service agencies for cases involving child victims. Officers shall know how and when to contact agency representatives, especially Child Protective Services (CPS) and Juvenile and Domestic Relations Court.

   a. In circumstances involving no imminent danger to a child, a police officer shall record complainant's name, address, telephone number, and pertinent information concerning the alleged abuse or neglect and transmit this information immediately to CPS. CPS shall jointly determine the proper course of action.

b. If the officer finds a child in a situation that presents an imminent danger to the child's health or life, the officer should immediately notify the appropriate State agency – usually Child Protective Services. The officer should also be alert to violations of family violence provisions which may allow for arrest and protection from further harm.

3. All officers shall know the sections of the Texas Penal Code and Family Code that pertain to crimes most commonly committed against children.

4. The Bastrop ISD Police Department shall work with local schools and agencies to educate children to identify and prevent their own victimization and to provide community awareness.

B. Patrol Responsibilities

1. Arrival at scene: Obtain all pertinent information from any available witnesses or sources.

2. Initial contact:

a. If the patrol officer suspects child abuse, the officer shall explain the police role in ensuring the health and safety of the child.

b. If entry to a home is refused and the officer reasonably feels entry is necessary to insure the safety of any person, the officer may gain entry in one of several ways:

(1) In a non-emergency, obtain a court order or a search warrant.

(2) In an emergency, forced entry without a warrant is legal when there is probable cause that a child is in danger.

c. The officer shall immediately ensure the safety of the child. Summon an ambulance or administer First Aid, if necessary. Reassure the child that the child is safe now and that has done nothing wrong. The officer is encouraged to solicit assistance from competent persons in communicating to the child in a reassuring manner.

3. Transport the child victim to a safe place, if necessary. This may include a local court-approved juvenile shelter.

4. If the child is a victim of sexual assault refer to sexual assault procedures.

5. Interviewing the victim:

    a. Child victims require special treatment. To minimize the number of times the child will have to tell the story, coordinate with Children's Advocacy Center and other agencies (example: CPS, the courts) before interviewing. If the child is the victim of possible parental abuse, some strategies to consider include the following.

        (1) The child's age – the child may be too young to interview (a child's capacity to deal with information differs from an adult's).

        (2) Interviewing the child may deteriorate even further the parent-child relationship.

        (3) Observe and note child's reactions during the initial contact.

        (4) Interviewing the victim of child sexual abuse requires particular skills (see sexual assault).

        (5) Usually the parents should not be present during the interview of the child (the child may be afraid to tell the truth).

        (6) The officer must be sensitive to the emotional stress of the child due to the interview itself (some children may not even understand that the behavior of the parents has been abusive or neglectful).

        (7) Inform the child of the parents' awareness of the interview.

        (8) The officer shall not appear to be taking sides against the parents. Children will generally become defensive if someone criticizes their parents even if they agree.

(9) The interview shall be conducted in language the child understands.

(10) The interview shall always include what will happen next and how the officer will use the child's information.

(11) Provide reassurances to an anxious child victim by expressing belief in the child's story and an understanding of the child's dilemma.

b. Allow a supportive person to be present during the interview for a child's emotional comfort (e.g., non-abusive parent or child advocate).

c. At the beginning of the interview, officers shall attempt to gain the child's confidence. The officers shall introduce themselves to the child, give the purpose of their presence, and attempt to conduct the interview on an informal, friendly basis with the child. If the interview is tape-recorded, a voice test by the child should be allowed.

d. The officer must try to determine the emotional state of the child. Is the child ready to tell the truth and to talk about the incident? If not, delay the interview to a more appropriate time. Whenever doubt exists, the officer should delay the interview until specially trained personnel are available to speak with the child.

e. Detectives should be aware of the principal of "contamination". This is when a child's rendition of facts may be based upon what someone else -- especially an adult – has told the child rather than the child's personal knowledge. Officers and Detectives should be alert to the possibility that a child's description of events has been contaminated as well as to avoiding contamination opportunities.

f. Encourage young child victims to be active (play with a toy, draw a picture, hold a stuffed animal, etc.) during the interview. This will relax the child and allow for a more thorough interview.

g. If the officer decides that the child is in need of supervision the child cannot or is not getting in the home, the officer

shall so inform the child. In deciding whether protective custody is needed the officer shall be guided by:

(1) The maltreatment in the home, present or potential;

(2) Evidence of abuse, torture or neglect by the parent;

(3) The parents' refusal to obtain needed medical or psychological care of the child;

(4) Parental anger and discomfort by the officer's investigative efforts which are directed toward the child;

(5) Evidence that the parents cannot provide for the child's basic needs;

(6) A history of prior offenses/allegations in which the child is the victim.

6. Interviewing witnesses (including the parents/guardians):

a. Create an atmosphere of support and understanding. Remain non-judgmental until all the facts are known.

b. The officer must communicate in a friendly manner and allow the adults to express their anger and fears concerning the incident.

c. Assess resistance to the interview. It may be in the form of denial, uncooperative attitude or explanations of how uncontrollable the child is.

d. If the officer prepares to interview a suspect, the officer shall give *Miranda* warnings in accordance with applicable law.

e. If parental child abuse is suspected, interview each parent separately and be alert to any apparent vagueness or inconsistencies in the explanations each gives for the allegation. Parents shall be told the reason for the interview and be treated with respect.

f. Witnesses may be reluctant to discuss a family incident with an officer (due to fear of retaliation or because of

breaking confidentiality). Officers shall explain the use of any information provided and that efforts will be made to maintain the identity of witnesses in confidence.

	Subject: Crime Scene	Issue Date: 11/30/2015
	Chapter: 9	Revision Date: 06/01/2020
	Policy: 9.3 Reference: TBP: 12.02	Total Pages: 7 Chief Bunch's signature:

Crime Scene

I. POLICY

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. It is imperative, therefore, that each officer carefully process a crime scene not to overlook or contaminate or destroy evidence. Physical evidence appears in many shapes, sizes and forms, thereby necessitating various recovery, preservation, and submission techniques. The officer or Detective shall be prepared to collect, identify, and package the evidence so that it will not be changed in form and value when it reaches the laboratory. The officer collecting the evidence shall maintain a chain of custody of that evidence in order to ensure that it is presented to the court professionally and in compliance with the law.

II. PURPOSE

To establish responsibilities for officers/Detectives in processing crime scenes and to establish guidelines for the proper documentation, collection, packaging, and submission of physical evidence to the forensic laboratory.

III. DEFINITIONS

A. Chain of custody - The chain of custody is the series of documented links between the time the evidence was obtained until presented in court. The links are officers who handled the evidence, and where and when they did so.

B. Exclusionary rule - The exclusionary rule requires that evidence seized or discovered in violation of the suspect's Fourth, Fifth, and Sixth Amendment rights cannot be admitted in court.

C. Evidence - Any substance or material found or recovered in connection with a criminal investigation.

D. Evidence custodian - The evidence custodian is the employee designated by the Chief to have administrative oversight over all found or confiscated property which comes into departmental possession.

IV. PROCEDURES - General crime scene processing

A. Depending on the nature of the crime and the type of evidence present, patrol officers will normally collect and submit physical evidence to the extent they have been trained and have the equipment to do so. Normally patrol officers will collect and submit evidence on misdemeanor offenses and some felony offenses where a document and or video evidence is the only physical evidence present.

B. The department has a number of detectives trained and equipped to collect physical evidence. Patrol officers will contact dispatch and request a Crime Scene officer when the offense is a felony, any sex crime, and child abuse, where photographs are needed, or where the evidence present is beyond the capabilities of the officers training or equipment.

C. The officer/Detective responding to a crime scene shall make a determination of equipment needed for processing. The Bastrop ISD Police Department maintains a complete evidence collection kit to include a camera, film, sketching equipment, fingerprint recovery tools, blood recovery materials, tweezers, scissors, boxes, bags, envelopes, tape, marking tools, evidence tags, and materials for lifting impressions (footprints, tire tracks).

D. The property and evidence form shall be used to document all property and evidence coming into custody of the department.

E. Officers and Detectives shall use the following general order of processing crime scenes unless reason dictates otherwise.

    1. Before moving objects or collecting evidence at major crime scenes (except where necessary to help a victim, apply first aid, or handle a suspect), officers will photograph the scene. Photographs should start at the edge of the property and progress into the scene as needed to show the scene and relationship of the evidence present. Close up photographs of each piece of evidence will be taken with and without a measuring device in the picture.

2. At major crime scenes, officers will also prepare a sketch of the scene. Sketches of any crime scene will be done if it will show relationships or locations of where evidence is collected.

3. Before collecting any item of evidence, take measurements using triangulation or the coordinate method and record.

4. Collect perishable evidence first. Perishable evidence such as fresh blood, blood-stained objects, physiological stains and tissue, or biological material shall be collected only by a trained evidence technician who shall arrange to submit the material to a lab.

5. If the immediate destruction of evidence is not a concern, work through the scene systematically, collecting in a logical sequence, trying to avoid disrupting other items of evidence.

6. Collect comparison samples: The forensic laboratory can only compare known items with those showing similar characteristics. Sufficient specimens or controls must be submitted for comparisons of such items of hairs, fibers, paint, glass, soil, and tool marks.

7. Once perishable and other evidence has been collected, fingerprints shall be identified and lifted where possible. If transporting evidence may damage or destroy the latent prints on it, then the evidence shall be processed for prints at the scene.

8. Taking overall measurements, obtaining wall, room, and building measurements is one of the last operations to be performed in processing the crime scene. The overall measurements are vital in the production of the final crime scene sketch but must be obtained last so as not to damage or destroy items of evidence.

9. Conduct a final organized search. Conduct a final, thorough search of the crime scene in case evidence may have been overlooked. Wherever possible, on a final search use an officer who has not participated in processing the scene.

10. The officer processing the crime scene shall list each item collected on the evidence recovery log. Note the following information for each item.
    a. A complete description of the item (including make, model, and serial numbers, if any);
    b. The source (from whom or location from which the item was obtained); and
    c. The name of the person collecting the item.

11. The officer/Detective processing a crime/incident scene shall prepare a report giving an accurate account of events. This information shall be placed in a supplement to the offense/incident report.

12. All evidence shall be properly and prominently tagged or identified. In addition to the property and evidence form, the recovering officer shall complete a chain of custody form for the property custodian.

13. Officers shall observe principles regarding the legal use of physical evidence. Officers shall rigorously maintain the chain of custody of all evidence and shall always remain mindful of constitutional safeguards. If officers are not scrupulous in observing these safeguards, then the exclusionary rule may prohibit key evidence from being introduced at trial and the case may be lost or dismissed.

V. PROCEDURES - Evidence and property control

A. Collection of evidence

1. When collecting evidence, the officers shall use tongs or tweezers where possible. The officers shall avoid touching the evidence with their hands or anything that might contaminate the item.

2. Officers shall wear latex gloves while processing any crime scene. When collecting and tissue or bodily fluid evidence, officers shall discard the gloves and put on a new set after collecting each separate evidentiary item.

3. In collecting evidence, officers shall remain mindful about the possibility of contagion if the crime scene contains body fluids. Further, some evidence may consist of hazardous chemicals or waste products, explosives, or highly combustible materials. The evidence custodian in consultation with an evidence technician shall decide the best disposition of such items.

4. If a firearm is present at the crime scene, do not unload it. The evidence technician shall unload the weapon: the evidence technician must examine the weapon in its exact condition as when it was discovered.

B. Marking evidence

1. In many instances, marking and labeling evidence may represent a single process. In instances where the evidence is large, complete identifying data may be recorded directly on the evidence to include the officer's name, date, time, location of recovery, item number, and case number.

2. In other instances, the small size or nature of the item collected will not permit complete information to be noted directly on the item. In these instances, the container or attached tag shall be marked with appropriate information.

3. The evidence technician or the officer searching the crime scene shall mark similar items in the same place to save time and embarrassment in looking for the identifying marks when asked to identify the evidence in court.

4. Instruments which may be used for marking physical evidence include permanent markers (felt tip pens), scribes (diamond tip or awl), or where labels are used, ballpoint pens.

5. The officer who collects the evidence shall mark it.

6. Each officer or detective shall develop personal identifying mark, normally the officer's or detective's initials.

C. Packaging items of evidence

1. The officer who collects the evidence shall choose a container suitable to the type of evidence for packaging. Considerations in choosing the proper container include the following:

    a. The size and weight of the item.
    b. Whether the item is moist or wet (which could rot or deteriorate if packaged in plastic or an airtight container for an extended time).
    c. Avoid any contamination of evidence by packaging all items separately.
    d. Pack the item to minimize interior movement within the package.
    e. Seal the package with evidence tape and initial or sign across the seal.
    f. Label the exterior of the package before placing the evidence within it.

2. Special circumstances

a. Weapons
    i. No officer shall, under any circumstances, personally retain custody of any found or confiscated weapon.
    ii. Officers bringing weapons into custody shall inspect them to ensure their safe storage. All firearms shall be unloaded before storage.
    iii. The recovering officer or Detective shall check all confiscated or found weapons against NCIC/TCIC files.

b. Drugs and Narcotics are to be collected and preserved as defined in the evidence collection procedures found in the Texas Department of Public Safety's Physical Evidence Handbook.

c. Alcohol

    i. All containers of alcoholic beverages shall be sealed or contained to avoid any chance of leakage.
    ii. The only alcoholic beverages that are considered contraband are those seized from underage persons whose possession is in itself illegal. If not destroyed at the scene on video, the contraband alcoholic beverages shall be destroyed upon conclusion of legal proceedings.
    iii. Alcoholic beverages seized or recovered which are not contraband or evidence shall be returned to the owner.

D. Preservation and submission of evidence to the forensic laboratory

1. Under normal circumstances, the officer or Detective who processed the crime scene is responsible for submitting evidence to the forensic laboratory.

2. Where more than one officer processed the scene, the on-duty supervisor shall choose an officer to take custody of all collected evidence and submit it to the laboratory for analysis.

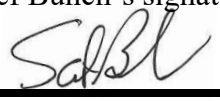
E. Preservation of perishable or deteriorating items:

1. When a rapidly deteriorating item of evidence has been collected (for example, a liquid sample of semen, a blood-soaked shirt), it shall be transported to the forensic laboratory the same day, if at all possible.

2. Any time an officer transports a perishable item to the laboratory for immediate analysis, the laboratory shall be called first so they will be ready to receive it.

3. In cases where immediate transport to the forensic lab is not possible, air dry (no more than one week) and transport to the lab.

4. Where appropriate, submit known specimens of evidence so that comparisons can be made. The investigating officer shall be responsible for obtaining any required known specimens and submitting them, along with the items of evidence, to the forensic lab for analysis and comparison.

	Subject: Officer Involved Shooting Investigation	Issue Date: 11/30/2015
	Chapter: 9	Revision Date: 05/01/2020
	Policy: 9.4	Total Pages: 9 Chief Bunch's signature: 

Officer Involved Shooting Investigation

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 officer actions conform to the law and this agency's policy on use of force.

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, undertaken in the order deemed appropriate.

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. Request a supervisor and emergency medical services, if necessary, and any other assistance required immediately.

f. If injured, administer emergency first aid to one-self 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. Do not open, reload, remove shell casings or in any other manner tamper with involved firearms. 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 arrives:

a. Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting and assist the injured. Protect evidence from loss, destruction or damage that is likely to occur before backup can arrive. 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.

b. 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

1. A supervisor shall be dispatched to the scene of the incident, and shall assume primary responsibility for protecting the scene and caring for involved personnel.

2. Ensure the safety and determine the condition of the officer(s), suspect(s) and third parties. Summon emergency medical service providers if not yet summoned for officers, suspects and third parties.

3. If the officer has been shot or otherwise injured in the shooting:

    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. Ensure that they are assigned transportation to the hospital or other location where they are needed as soon as possible. Do not release the officer's name prior to the family's being notified.

    c. Assign an officer to the family for security, support, control of the press and visitors, establishment of communications and related matters.

    d. Ensure that the clothing of officers and other injured persons is collected for potential evidentiary purposes and that related equipment of the officers is safeguarded.

4. 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:

    a. The Chief of Police

    b. Superintendent

    c. Detectives

    d. Crime Scene Search personnel

    e. Bastrop ISD Communications Department

    f. Police Chaplain or advocate

    g. Prosecuting Attorney

h. BISD General Counsel

5. Establish a Command Post and appoint a recorder to make a chronological record of all activities including any personnel who entered the crime scene. The recorder shall prepare a supplement report detailing their activities and observations and the original chronological record will be placed in evidence after the scene is cleared.

6. Ensure all audio/video recording systems (including squad car video systems at the scene at the time of the incident) are stopped and secured to protect any evidence thereon.

7. If the officer is not immediately transported to the hospital, the supervisor shall briefly meet with the involved officer(s).

    a. Only minimal, preliminary questions should be asked about the incident. The officers should be advised that a more detailed debriefing will be conducted at a later time. The supervisor must however obtain sufficient information to protect the scene and begin an investigation. At a minimum the supervisor should determine:

        i. If any other suspects are at large and any descriptions

        ii. Approximate number and direction of shots fired (to protect crime scene and ensure no other persons are injured)

        iii. Description and location of any known victims or witnesses;

        iv. Description and location of any known evidence; and

        v. Any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects.

8. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer should be taken to a quiet area away from the scene of the incident. If available, a peer counselor or other supportive friend or officer should remain with the officers, but should be advised not to discuss details of the incident.

9. The officers should be advised that they may seek legal counsel.

10. Any standard investigations that will occur concerning the incident should be discussed with the involved officers. The investigations shall include a criminal and internal investigation.

11. The officers should be advised not to discuss the incident with anyone except a personal or agency attorney, or departmental Detective, until the conclusion of the preliminary investigation.

12. 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 need to be examined prior to leaving the scene by crime scene personnel.

13. The supervisor shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the supervisor shall:

    a. Take custody of the officer's weapon in a discrete manner; and

    b. Replace it with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.

14. Involved officers should notify their families about the incident as soon as possible. Where an officer is unable to do so, an agency official shall personally notify the officer's family, and arrange for their transportation to the hospital if needed.

15. 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.

16. Once the scene is secure, if Detectives 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 suspects weapon and shell casings.

    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(s).

17. Upon arrival of Detectives, the supervisor will brief the appropriate personnel on the details of the incident. The supervisor shall prepare the original basic offense report concerning the incident and prepare a detailed supplement report of the supervisor's activities after being notified. The supervisor shall also complete a departmental Use of Force Report on the incident.

C. Investigation

1. Two different investigations may be conducted after an officer-involved shooting incident.

a. If the officer was shot at, injured, killed or otherwise the victim of a criminal offense, a criminal investigation will be conducted to determine the identity of the suspect and for subsequent prosecution.

b. If an officer shot at a suspect, an administrative investigation shall be conducted to determine compliance with departmental policy.

c. If an officer shot at and hit a suspect, a criminal investigation shall be conducted to determine if the officer is criminally culpable for the officer's actions.

2. These investigations, if both are required, may run simultaneously, with the criminal investigation taking precedence.

3. The Chief of Police may request another agency conduct either investigation if circumstances warrant.

4. Detectives will be well versed in the issues of *Garrity v. NY* to avoid improper contamination of the criminal investigation.

5. Upon arrival of detectives, they will first ensure the tasks itemized above have been completed. They shall then conduct their investigation to include:

a. Receive a general briefing and walk-through by the supervisory officer regarding the circumstances surrounding the shooting. The decision to conduct a walk through with the involved officer at this time must be made based on:

    i. The type of investigation being conducted

    ii. The physical and mental state of the officer

    iii. The availability of the officer's attorney

    iv. The circumstances at the scene

b. Ensure that the overall scene and evidentiary items are photographed and videotaped. Videotape all persons present at the scene. Color photographs of the officer as the officer appears at the scene shall be taken, to include any injuries sustained.

c. Ensure thorough inspection of the scene and proper collection of all items and substances of evidentiary value.

d. Obtain taped statements from the suspects. Ensure that notification is provided to next-of-kin of injured or deceased suspects.

e. Locate and identify witnesses and conduct initial tape-recorded interviews.

f. Tape record interviews with fire department personnel, emergency medical service providers and other first responders to the scene.

g. Conduct separate tape recorded interviews with each officer involved. Involved officers will not be required to provide written or videotaped statements sooner than 48 hours after an incident.

h. Conduct the interview in a private location away from sight and hearing of agency members and others who do not have a need and a right to the information. Advise the officers not to discuss the incident with anyone except a personal or agency attorney, union representative or departmental Detective until the conclusion of the preliminary investigation.

i. Be cognizant of symptoms of post-traumatic stress, to include time and space distortions, confusion, hearing and visual distortion and emotional impairment including shock. (Defer tape-recorded interviews if these symptoms are evident.)Take any weapon fired by the officer(s) into custody and handle it as evidence. Firearms shall be taken from officers in a discrete manner and the OIC shall ensure that arrangements are made to replace them with other firearms or advise the officers that they will be returned or replaced at a later time.

j. Contact the coroner and obtain the autopsy of the officer and/or suspect if required. Determine entrance and exit wounds, estimates of the shooter's position, the presence of alcohol or controlled substances or other related evidence.

6. The results of any criminal investigation conducted will be presented to the Grand Jury for independent review.

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:

a. Whether it would be in the officers' best interest to be placed on administrative leave or light duty and for how long;

b. Where the officers were relieved of their duty weapons after an incident, at what point they should be returned;

c. What will be the best continued course of counseling? The agency strongly encourages the families of the involved officers to take advantage of available counseling services.

d. 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 themselves or another with the use of deadly force.

3. Any agency investigation of the incident shall be conducted as soon and as quickly as practical.

4. The agency should conduct a general briefing to other agency members concerning the incident so that rumors are kept to a minimum.

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 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.

7. Officers directly involved in the shooting incident shall be required to re-qualify as soon as practical.

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 inject the officer into a behavioral cause investigation or refer the officer back into counseling.

	Subject: Sexual Assault	Issue Date: 11/30/2015
	Chapter: 9	Revision Date: 06/01/2020
	Policy: 9.5	Total Pages: 4 Chief Bunch's signature:

INVESTIGATIONS – SEXUAL ASSAULT

I. POLICY

The Bastrop ISD Police Department recognizes the fact that sexual assaults (rape, forcible sodomy, incest, child molestation, exploitation of children and attempts thereof) are personal violent crimes that have great psychological or physical effects on the victims. It is the policy of the Department to assist sexual assault victims in a supportive manner, using appropriate crisis intervention skills. Because of the seriousness of these offenses and the delicate nature of the investigations involved, it is important for the Department to ensure that diligent investigations in order to increase the reporting of these crimes. Typically, investigations of crimes such as these will be conducted by other State or County agencies utilizing investigators who have specialized training and background. Reducing recidivism through the apprehension and prosecution of the assailants is a Department priority.

II. PURPOSE

To establish guidelines for investigating crimes of sexual assault

III. PROCEDURES

A. General Responsibilities

1. "Sexual assault" means those offenses involving sexual penetration or contact with any person by force or threat of force, fear, intimidation or any attempts to force sexual penetration or contact on any person.

2. Department personnel shall be aware of community services available (sexual assault crisis centers/hotlines, mental health centers, medical clinics and victim assistance programs) to victims of sexual assault.

3. Department personnel shall be trained and knowledgeable about sexual assault investigation and its impact on victims.

4. Department personnel shall use appropriate communication skills when interacting with sexual assault victims.

B. Patrol Responsibilities

1. The patrol officer has certain immediate responsibilities, as follows.

a. The primary concern is the victim's physical well-being. Give attention to the victim's emergency medical needs. Ensure safety.

b. Preserve the crime scene for examination by a trained evidence technician.

c. The officer shall be alert to any suspect in the vicinity. Give crime broadcast, if applicable.

d. The officer shall explain to the victim the officer's role and what will be done at the scene and through follow-up.

2. The patrol officer shall obtain detailed information essential to determine what offense (or offenses) actually occurred. Obtain preliminary statements from victim and witnesses. Try to establish rapport and get only the needed information.

3. The officer shall inform the victim, preferably in writing, of counseling services available in the area. Ask whether the victim would prefer to have a support person (sexual assault worker, family member or friend) present if this has not already been done.

4. Unless a specialized investigator requests otherwise, the patrol officer shall arrange for transportation or transport the victim to the hospital for a sexual assault examination, if appropriate (if the assault occurred within the last 72 hours). Explain the medical and legal necessity of this exam. Inform the victim to take a change of clothing along. The officer may provide transportation back home following the exam only if other support persons or family members are not available.

IV. Evidence Collection – Sexual Assault - General Rules

A. Safeguard crime scene and evidence that is collected.

B. Call a crime scene unit or evidence technician, if available.

C. Use caution not to damage, mark or contaminate evidence.

D. Initial and date all items seized.

E. Document chain of evidence in report.

F. Place all evidence in appropriate containers, seal and initial.

G. At the Crime Scene:

1. Protect undergarments, clothing, bedding, rugs or other appropriate items which may contain semen, blood or be damaged. Normally, the scene should be preserved in its original condition pending the arrival of a trained Detective.

2. Locate and protect wash cloths or towels that may have been used.

3. Locate and protect bottles, glasses or other objects that may contain latent prints.

4. Search scene for foreign objects (buttons, hair or pieces of torn clothing).

5. If crime occurred outdoors, protect the scene so that soil samples may be taken from several areas and sketch the location of each potential sample.

6. If crime occurred in a car, preserve the condition of the vehicle without disturbance. Be aware that excessive heat or cold may alter evidence inside the vehicle.

7. If entry was forced into the victim's house, locate and protect samples of broken glass, paint samples and note any pry marks.

8. Photograph crime scene.

9. Photograph bite marks, scratch marks or other signs of brutality or injury to victim. Only female officers or medical personnel should photograph private sexual areas.

H. Notes to be Prepared:

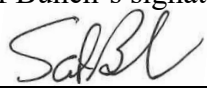
1. Description of exact location where each piece of evidence was found.

2. Description of victim's appearance and behavior. Note bruises or marks, facial discoloration, disarrayed clothing, smeared makeup, hair disheveled, confused or dazed behavior, bewilderment or disorientation, apparent hysteria or crying and incoherent speech.

3. Description of victim's clothing. Note locations of torn garments, dirt, stains--blood, semen and grass.

4. Description of suspect. Physical description as provided by victim with special attention to items which would not be readily visible if the suspect were clothed: scars, tattoos and moles.

5. Have all signs of trauma or injury, as well as emotional state of the victim, recorded on hospital record. Be certain that smears are taken from vagina, anus and mouth of victim.

	Subject: Wanted and Missing Persons	Issue Date: 11/30/2015
	Chapter: 9	Revision Date: 06/01/2020
	Policy: 9.6	Total Pages: 8 Chief Bunch's signature: 

WANTED AND MISSING PERSONS

I. POLICY – WANTED PERSONS

The Texas Crime Information Center (TCIC) and the National Crime Information Center (NCIC) communication networks provide several different information files, two of which assist law enforcement in locating wanted persons and those reported missing. The effectiveness of the system and Departmental liability depend on accurate and prompt entry of accurate information as well as immediate cancellation of entries when no longer required.

Each officer is responsible for dealing with reports of missing or wanted persons to conduct proper investigations, prepare necessary reports and request appropriate TCIC/NCIC entries. Each officer submitting an entry must ensure that the entry contains accurate and complete information and that necessary delays in making or removing the entry are avoided.

II. PURPOSE

To establish Department guidelines explaining investigation of wanted/missing persons and the making of appropriate entries into TCIC and NCIC. In addition to these procedures the requirements and procedures of TCIC and NCIC shall be followed.

III. PROCEDURES

A. Wanted Persons

1. In order for a person to be entered into TCIC/NCIC files as wanted, one of the following criteria must be met:

   a. a federal warrant is outstanding;

   b. a felony or serious misdemeanor warrant is outstanding;

c. probation and parole violators meeting the criteria listed in a. or b. above; or

d. any juvenile meeting the criteria in a. and b. above, provided the juvenile will be tried as an adult for the charges placed.

2. Making the entry:

a. The requesting officer shall complete a TCIC/NCIC entry request form and forward it to the Chief of Police.

b. Upon review of the request, the Chief of Police shall contact the prosecuting attorney to confirm or decline extradition if the suspect is located.

c. If the prosecuting attorney confirms that extradition will be authorized, the TCIC/NCIC entry shall be submitted to the Bastrop ISD Police Department Communications Division for entry.

d. If extradition is declined, no TCIC/NCIC entry shall be made and outstanding warrants/detention orders shall be filed in the warrant file should the subject be located at a later date.

e. Municipal warrants on which extradition is not contemplated may be entered into TCIC or into regional databases at the discretion of the Chief of Police.

3. Retention of wanted person records - The Communications Division is responsible for taking action to clear an entry when a wanted subject is located or when a decision is made by the prosecuting attorney not to extradite a wanted person who has already been entered into the system.

IV. POLICY – MISSING PERSONS

Many missing person reports involve individuals who have voluntarily left home for personal reasons while other reports are often unfounded or quickly resolved. However, there are many instances in which persons disappear for unexplained reasons and under circumstances where they may be considered at risk. The roles of the complaint taker and initial responding officer are critical in identifying the circumstances surrounding missing persons and in identifying those persons at risk.

Therefore, it is the policy of this agency that (1) all reports of missing persons be given full consideration and attention by members of this agency to include careful recording and investigation of factual circumstances surrounding the disappearance in accordance with this policy, and (2) that particular care be exercised in instances involving missing children and those who may be mentally or physical impaired or others who are insufficiently prepared to take care of themselves.

V. PURPOSE

To establish responsibilities and guidelines for the investigation of missing persons

VI. PROCEDURES

A. Reporting/Classification of Missing Persons

1. There is no waiting period for reporting a missing person. Missing person reports shall be taken in-person or by telephone in conformance with the criteria of this policy and the criticality of the incident.

2. A person may be declared "missing" when the person's whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines.

3. Individuals may be considered "missing-critical" who meet the foregoing criteria and who, among other possible circumstances:

   a. may be the subject of foul play;

   b. because of age (young or old), may be unable to properly safeguard or care for themselves;

   c. suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended;

   d. is a patient of a mental institution and is considered potentially dangerous to themselves or others;

   e. has demonstrated the potential for suicide; or

f. may have been involved in a boating, swimming or other sporting accident or natural disaster.

4. Reports of juveniles who have voluntarily left home (i.e., "runaways") should be classified as such only after thorough investigation.

5. Based on the outcome of initial inquiries, a decision may be made concerning the potential danger posed to the missing person and the urgency of police response.

B. Initial Report Taking

1. The initial report taker must gather as much pertinent information as possible in order to properly classify a missing person report and initiate proper response. This includes the following information:

a. Name, age and physical description of the subject and relationship of the reporting party to the missing person;

b. Time and place of last known location and the identity of anyone accompanying the subject;

c. The extent of any search for the subject;

d. Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans;

e. Whether the individual has been involved recently in domestic incidents, suffered emotional trauma or life crises, demonstrated unusual, uncharacteristic or bizarre behavior, is dependent on drugs or alcohol or has a history of mental illness; and

f. The current physical condition of the subject and whether the person is currently on prescription medication.

2. If the missing person is a child, inquiry should also determine if the child:

a. is or may be with any adult who could cause the child harm;

b. may have been the subject of a parental abduction; and/or

c. has previously run away from home, has threatened to do so or has a history of explainable or unexplainable absences for extended periods of time.

3. A supervisory officer shall be notified immediately upon classification of a report as "missing-critical."

C. Preliminary Investigation - The preliminary investigation is intended to gather additional information and to take those steps that will aid in the search for and location of a missing person. This includes gathering the following types of information and materials:

1. Complete description of the subject and a recent photograph.

2. Details of any physical or emotional problems identified in items *B-1-e* and *f* of this policy.

3. Identity of the last person(s) to have seen the subject as well as friends, relatives, coworkers or associates who were or may have been in contact with the subject prior to disappearance.

4. Plans, habits, routines and personal interests of the subject including places frequented or locations of particular personal significance.

5. Indications of missing personal belongings, particularly money and other valuables.

6. Any suggestions of foul play or accident.

7. In the case of missing children, officers shall be particularly cognizant of information that may suggest the potential for parental abduction or the possibility of stranger abduction, as well as:

a. the presence of behavioral problems;

b. past instances of running away;

c. signs of an abusive home environment or dysfunctional family situation;

d. whether the child is believed to be with adults who may pose a danger; and,

e. the name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location.

8. When possible, officers should gain permission to search a missing child's home and school locker, as appropriate.

9. Upon verification of a missing person, a missing person report shall be completed and appropriate entries made in state and national information databases in accordance with established procedures (e.g.: NCIC and The National Center for Missing and Exploited Children). Pursuant to State Law, the Department of Public Safety (DPS) Missing Child report form shall be completed and immediately forwarded to the DPS Clearinghouse missing children database.

10. In the case of persons designated as "missing-critical," a supervisory officer may direct that:

a. the dispatcher broadcast to all persons on duty all information necessary to identify the missing person, and

b. request that the shift commander authorize mobilization of resources necessary for an area search.

D. On-going Investigation - Investigations of missing persons should include but should not be limited to the following actions and activities:

1. Request release of dental records, blood type, DNA sample and any fingerprints available.

2. Contact hospitals and the coroner's office as appropriate for injured or deceased persons fitting the description of the missing person.

3. Thoroughly check the location at which the missing person was last seen and conduct interviews as appropriate with persons who were with the individual or who may work in or frequent the area.

4. Conduct interviews with any additional family, friends, work associates, schoolmates and teachers as well as school counselors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight or in the case of juveniles, parental kidnapping or running away.

5. Provide identification and related information to all elements of this agency, the state police missing persons' authority, neighboring police agencies and, if parental or stranger-to-stranger abduction is suspected, the Federal Bureau of Investigation (FBI).

6. Decisions to use local media to help locate missing persons shall be made with the approval of the Police Chief ***and*** the missing person's family.

7. The lead Detective shall maintain routine on-going contact with the missing person's closest relative concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead Detective as soon as any contact is made with the missing person.

E. Recovery of Missing Persons and Case Closure

1. Competent adults, having left home for personal reasons, cannot be forced to return home. Officers locating such individuals shall:

   a. advise them that they are the subject of a missing person investigation;

   b. ask if they desire the reporting party or next-of-kin to be notified of their whereabouts; and

   c. make provisions to transmit this information to the reporting party or next-of-kin if permitted by the missing person.

2. In all cases, reporting parties shall be informed of the well-being of located missing persons. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.

3. Missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.

4. In cases involving juveniles, officers shall ensure that

   a. the juvenile receives medical attention if necessary in a timely manner;

   b. initial questioning of the youth identifies the circumstances surrounding the child's disappearance, any individuals who

may be criminally responsible and/or whether an abusive or negligent home environment was a contributory factor, and

c. that parents, guardians and/or the person reporting the missing youth are notified in a timely manner.

5. Upon location of a missing person, all agencies and information systems previously contacted for assistance will be notified or updated. This will include NCIC/TCIC and any other local, regional, State or national databases into which the information has been entered.

6. Where indicated, follow-up action shall include filing of an abuse and neglect report with the state youth service agency.

7. The case report shall include a complete report on the whereabouts, actions and activities of children while missing.

8. Where indicated, criminal charges shall be filed with the prosecutor's office.

	Subject: Arson	Issue Date: 11/30/2015
	Chapter: 9	Revision Date: 05/01/2020
	Policy: 9.7	Total Pages: 2 Chief Bunch's signature:

Arson

I. POLICY:

Fire Investigator Personnel shall adhere to the incident command system put in place by the Bastrop County Emergency Management Coordinator. The Bastrop Fire Department has adopted the Incident Command System (ICS) which is recognized by the National Fire Association 1561, Standard on Fire Department Incident Management System. The System follows the National Incident Management System (NIMS). The System consists of procedures for controlling personnel, facilities, equipment, and communications. The structure of the ICS can be established and expanded depending upon the changing conditions of the incident. It is staffed and operated by qualified personnel from any emergency service agency and may involve personnel from a variety of agencies.

As such, the system can be used for any type of size of emergency, ranging from a minor incident involving a single unit, to a major emergency involving several agencies. The ICS allows agencies to communicate using common terminology and operating procedures. It also allows for the timely combining of resources during an emergency.

The ICS is designed to be used in response to emergencies caused by fires, floods, earthquakes, hurricanes, tornadoes, tidal waves, riots, terrorist acts or any other natural or human-caused incidents.

A. The Incident Command System shall be established at all emergency incidents. Upon arrival at the emergency situation a command structure will be established. This command structure can increase and decrease in size in relation to the size and scope of each incident.

B. Accountability- Fire Investigator Personnel shall advise dispatch of their response and arrival to all emergency call-outs. Investigator personnel shall report to the incident commander or designated staging area of their presence at said incident. After completing an assigned discipline or leaving

an area of responsibility, said Investigator shall report to the Officer in Charge.

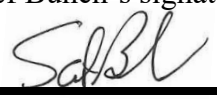
C. Fire Investigators will not be issued protective clothing or a self-contained breathing apparatus (SCBA) and shall never enter into an environment that is an immediate danger of life and health (IDLH). Fire Investigators shall only enter into an incident scene when the Officer in Charge has deemed the scene as a non IDLH atmosphere.

II. PURPOSE:

The purpose of this policy is to provide for the safety and well-being of the investigator as to the investigator's role in the determination of fire cause and origin.

III. TRAINING:

Each Fire & Arson Investigator will be trained in the use of the incident command Management system. Training will consist of the following curriculum: National fire academy- Course title-Incident Command System, National Incident Management Training NIMS Course Titles IS-700, IS-100, IS-200 and IS-800.

	Subject: Eyewitness Identification	Issue Date: 11/30/2015
	Chapter: 9	Revision Date: 05/01/2020
	Policy: 9.8 Reference: TBP 7:32	Total Pages: 8 Chief Bunch's signature: 

EYEWITNESS IDENTIFICATION

I. POLICY

Eyewitness identification is a frequently used investigative tool. This Policy is designed to maximize the reliability of identifications, minimize unjust accusations of innocent persons and to establish evidence that is reliable and which conforms to established legal procedure.

II. PURPOSE

It is the purpose of this policy to establish department guidelines for photographic line-up identification and field identification procedures. The procedures in this policy are applicable when a person is known to a Detective and is suspected of criminal involvement in the incident under investigation.

III. DEFINITIONS

A. ***Administrator.*** The person charged with presenting a photographic line-up to a witness.

B. ***Assigned Detective***. The officer is primarily responsible for investigating an incident.

C. ***Blind Administrator***. An administrator who does not know the identity of the suspect or the suspect's position in the photographic line-up.

D. ***Blind Manner***. The presentation of a photographic line-up by either a *blind administrator* or a *blinded administrator*.

E. ***Blinded Administrator***. An administrator who may know the identity of the suspect, but does not know the suspect's position in the photographic line-up.

F. ***Field Identification***. The presentation of a suspect to a witness following the commission of a crime for the purpose of identifying and/or eliminating a possible suspect.

G. ***Fillers***. The photographs used in a photographic line-up whose race, sex, age, height, weight, hair style and general appearance resemble the suspect.

H. ***Folder Method***. A photographic line-up where the photographs are placed in separate folders or envelopes and randomly shuffled prior to presentation so that the assigned Detective does not know which photograph the witness is viewing.

I. ***Illiterate Person*****.** An individual who speaks and understands English but cannot read and write English.

J. ***Interpreter.*** An individual with the necessary skills that enable the individual to communicate with an illiterate person or a person with limited English proficiency to the degree the individual can ensure the person clearly understands all instructions given then prior to viewing a suspect in any identification procedure.

K. ***Live Lineup***. The presentation of individuals, including a suspect, in person to a witness, usually in a manner preventing the individuals from seeing or identifying the witness, for the purpose of identifying and/or eliminating suspects.

L. ***Person with Limited English Proficiency.*** An individual who is unable to communicate effectively in English with a level of fluency that is typical of a native English speaker. Such a person may have difficulty speaking, reading, or writing in English and includes persons who can comprehend English, but are physically unable to write.

M. ***Photographic Line-up***. A collection of photographs including a suspect photograph and *filler* photographs that are placed in random order and shown to a witness for the purpose of identifying and eliminating suspects.

N. ***Sequential Viewing***. An identification procedure in which photographs are shown one at a time to a witness.

O. ***Simultaneous Viewing***. An identification procedure in which all photographs are shown at the same time to a witness.

P. ***Suspect.*** An individual who has been specifically identified by the investigation as possibly being the person who committed the crime.

Q. ***Witness***. A term referring to a complainant, victim, eyewitness or any other form of witness to an incident.

IV. GENERAL PROCEDURES FOR LINE-UPS

A. Live line-ups will not normally be used due to the difficulty of administration and the difficulty in obtaining sufficient numbers of individuals with similar physical characteristics. Should an officer determine a need for a live line-up, the officer should contact the prosecuting attorney for procedural and technical assistance and the line-up should be carried out with the intent of this policy in mind.

B. Photographic Line-ups are approved for use by this department if the following procedures are followed. Photographic identification of suspects by witnesses should supplement other investigative actions and/or evidence.

V. PREPARING PHOTOGRAPHIC LINE-UPS

A. The assigned Detective is responsible for:

1. Preparing the photographic line-up including selecting the fillers and ensuring each of the photographs are numbered or lettered for later reference.

2. Determining before any presentation if the witness is deaf, illiterate or has limited English proficiency. If the witness is deaf, illiterate, is non-English speaking or has limited English proficiency, the Detective will arrange for assistance to translate the Photographic Lineup Form in the language of the witness or otherwise assist the witness in understanding the instructions before proceeding. The identification of the assisting individual will be documented as well as the assistance provided.

3. Preserving the photo line-up, whether identification is made or not, together with full information about the identification process for future reference, by placing the photos in their original condition, the Photographic Lineup Form into the case file after the procedure.

4. Preparing the photographic line-up; the assigned Detective should:

    a. Include only one suspect in each identification procedure.

    b. Select fillers that generally fit the witness' description of the perpetrator. Fillers should be selected where no person stands out from the others.

c. Use photographs of individuals who are reasonably similar in age, height, weight and general appearance and of the same sex and race. Avoid use of fillers that so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

d. If multiple photos of the suspect are reasonably available to the Detective, select a photo that resembles the suspect's description or appearance at the time of the incident.

e. Include a minimum of five fillers per identification procedure.

f. Avoid reusing fillers in lineups shown to the same witness if showing a new suspect.

g. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness. Do not mix color and black and white photos.

h. Use photos of the same size and basic composition. Mug shots should not be mixed with other photos. If mug shots are to be used, cover any portions that provide identifying information about the subject.

i. All individuals in the photographic line-up and/or the origin of the photos should be known to the Detective, if possible.

j. Photos should be reasonably contemporary.

k. Do not use more than one photo of the same suspect.

l. If there is more than one suspect, include only one suspect in each line-up presentation.

m. View the array, once completed, to ensure that the suspect does not unduly stand out.

B. Administrators are responsible for:

1. Ensuring they are familiar with the contents of this policy and the line-up presentation process.

2. Ensuring the photographic line-up is presented in a manner consistent with this policy.

3. Documenting the conduct and results of the line-up presentation in the manner approved within this policy.

4. Returning all line-up materials and documentation to the assigned Detective.

VI. PRESENTING PHOTOGRAPHIC LINE-UPS

A. It is the intent of this department to present all photographic line-ups to witnesses in a blind manner and using a sequential presentation of the photographs.

B. If a department sworn member is not available to conduct the lineup a blind administrator or a sworn member of another local agency may be used. The assigned Detective preparing the lineup should ensure the assisting officer is aware of the procedures prior to presenting a lineup to a witness.

C. If another sworn officer is not available within a reasonable period of time the assigned Detective may present the line-up to a witness using the folder method. The witness is shown only one folder at a time. The Photographic Line-up Form is changed to indicate the procedure used and the same presentation procedures are used below and the process used thoroughly documented. The Detective should also document the reasons for not being able to use a blind administrator.

D. Police personnel present at the presentation should not make any suggestive statements, or take any other actions that may influence the judgment or perception of the witness.

E. Prior to beginning the presentation, determine if the witness has seen the suspect at any time since the crime occurred (whether in person or in newspaper or television reports, etc.) If so, contact the assigned Detective to determine if the identification process should continue. Document this action in the supplement report.

F. Provide the witness with a Photographic Lineup Form and explain the instructions for the line-up. Instructions given the witness prior to viewing a photographic line-up can facilitate an identification or non-identification based on the witnesses' memory. **Read the instructions and admonitions verbatim from the form**, and obtain the witness's signature indicating the witness understands the procedure, and signs the form as administrator. Ensure the witness understands the instructions before proceeding.

G. Show the witness the photographs in a random order, one at a time, sequentially, and document the order shown. Remove each photograph from the witness prior to providing a new one. Allow the witness to see only one photograph at a time.

H. If the witness identifies a suspect, record the number or other identification of the photograph and ask the witness for a statement of how confident the witness is about the identification. Show the remaining photographs even if a suspect is identified.

I. Complete the Statement of Witness portion of the form, including documenting the witness's confidence statement in the witness's own words, regarding how certain the witness is of any identification. Have the witness complete and sign the appropriate portion of the form. Return all files, photographs, and forms to the assigned Detective and complete an offense supplement on the identification procedure.

J. Do not provide any feedback of any kind to the witness during the procedure including whether or not the witness picked the suspect.

VII. DOCUMENTATION OF PHOTOGRAPHIC LINE-UPS

A. All photographic line-ups will be documented in the method reasonably available to the administrator at the time of presentation. Acceptable methods of documentation include:

1. Video and Audio Recording

2. Audio Recording

3. Written documentation of the Line-up Presentation process.

In all cases, the administrator will, at a minimum, document in an offense supplement report the details of the line-up presentation process and result, and return the supplement, the Photographic Line-up Form, any video/audio recordings, and all original photographs and documents to the assigned Detective.

VIII. FIELD IDENTIFICATION PROCEDURES

The use of field identification should be avoided whenever possible in preference for the use of a photographic or live lineup. If there is some question regarding whether an individual stopped in the field may be the right suspect, an attempt at field identification may prevent the arrest of an innocent person. Therefore, when circumstances require the use of field identification the following guidelines should be followed:

A. Procedures to Using Field Identifications

1. Supervisory approval should be obtained prior to any Field Identification. The officer is responsible for ensuring the witness is able to understand the instructions given by officers. If the witness is deaf, illiterate or has limited English proficiency, the officer will provide for an interpreter or other assistance or not continue with the field identification.

2. Single suspect field identification shall not be used if there is adequate probable cause to arrest the suspect.

3. A complete description of the suspect should be obtained from the witness prior to conducting a field identification. If the witness indicates the witness is unsure if the witness can identify the individual, a field identification will not be done.

4. Whenever possible, the witness should be transported to the location of the suspect rather than bringing the suspect to the witness.

5. Field identifications should not be attempted more than two hours after the commission of a crime.

6. Field identification should not be conducted when the suspect is in a patrol car, handcuffed or physically restrained by police officers, unless such protective measures are necessary to ensure safety.

7. Field identification should only be conducted with one witness present at a time. If the field identification is conducted for more than one witness it should be done separately. If one witness positively identifies the individual, consider making an arrest and using the above photographic lineup procedures for other witnesses.

8. The same suspect should not be presented to the same witness more than once in either field or photographic line-ups.

9. Field identification suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.

10. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator will be avoided.

B. Documentation of Field Identifications

1. The officer conducting a field identification, after supervisory approval, should use the Field Identification Form to inform the witness of the procedure and obtain evidence of the witness's understanding of the procedure.

2. The Officer will video/audio tape the witnesses viewing using the squad car video and audio recording system and document the witness' comments regarding the suspect on the Field Identification Form. The Form will be given to the assigned Investigating Officer who will include the form in the original Case Report. The Video/Audio recording will be pulled and placed in evidence and the evidence number included in the offense or supplement report.

	Subject: Domestic Violence and Protective Orders	Issue Date: 11/30/2015
	Chapter: 9	Revision Date: 06/01/2020
	Policy: 9.9	Total Pages: 14 Chief Bunch's signature:

Domestic Violence and Protective Orders

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. Therefore, law enforcement 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 (l) restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); and, (4) help participants contact appropriate agencies to help prevent future occurrences.

II. PURPOSE

To define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, describe measures to end violence and protect victims.

III. DEFINITIONS

A. Assault

Intentionally, knowingly, or recklessly causes bodily injury to another including the person's spouse or threatens to cause imminent bodily injury to another including the person's spouse. This definition is not all inclusive as family violence may also entail aggravated circumstances, sexual assault, as well as other offenses. 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.

C. Family abuse

Any threat or act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person's family or household member.

D. 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 cohabitate 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.)

E. Protective 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

2. Protective order

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 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 subject of the existence of the order. The officer shall then remain at the scene until the actor has complied with any wording that requires the actor 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 number of the prosecuting 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. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding officers. Officers are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.

V. PROCEDURES - Patrol responsibilities

A. Arrival at the scene

1. Obtain all available information from the dispatcher before arrival.

2. When possible, officers should wait for back-up, discuss a strategy and approach the dispute scene in pairs.

B. Avoid the use of sirens and other alarms in the vicinity of the scene. The suspect might be dangerous and could turn a weapon on arriving officers.

C. 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, listen and look in any nearby window 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 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 selves 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 the complainant 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. Officers shall not leave without interviewing the complainant.

        c. 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.

        d. Refusal of entry or no response to a knock at the door may require a forced entrance only if officers have a reasonable belief that the safety of people inside is in jeopardy.

        e. 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.

        f. A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants. If both are present, either

one may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another 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 (example: officers believe that someone, perhaps the victim or a child, is in need of emergency assistance).

1. Officers shall evaluate the following elements when considering a warrantless entry:

a. The degree of urgency involved and the time required to get a warrant.

b. The possibility of danger to others, including officers left to guard the site.

c. Whether the suspected offense is serious or involves violence.

d. Whether officers reasonably believe that persons may be armed.

e. Finally, officers are reminded that they have a lawful right and duty to investigate any situation which they reasonably believe to be an emergency.

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 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 (whether firearms, knives or any other object which 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 the hospital, safe shelter or 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 the complainant's 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; and 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, if identifiable.

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 may 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 (which allows the parties to point out anything that might be misrepresented).

6. Be aware that parties may make excited utterances which may have evidentiary value. Record these utterances when practicable and note them in the report.

H. Interviewing the victim

1. Ascertain the following information from the victim:

2. What happened.

3. Any injuries, who caused them, and what weapons or objects were used.

4. Relationship to suspect.

5. Any threats made against victim or others.

6. Forced sexual contact against victim's will.

7. Any court cases pending against suspect or any protective orders in effect.

8. Is suspect on probation or parole.

9. Did suspect threaten others, particularly children, damage property or hurt pets.

I. 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 crisis 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.

J. Collection of Evidence

Officers should ensure they 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. Photograph any damages or injuries received by any parties.

VI. PROCEDURES - Arrests

A. Officers may 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. Further, the department promotes a policy of arrest when the elements of an appropriate offense are present.

B. If officers cannot identify a predominant physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident. Further, officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.

C. In cases where the conditions of a protective order have 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") are violated then the officer shall arrest the violator if probable cause exists.

D. 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.

E. If children are involved in the incident, officers shall contact the on-call Child Protective Services worker if a child is abused or neither parent can reasonably look after the child's safety and well-being (neglect is a separate reportable offense).

F. In determining probable cause, the officer shall not consider:

1. Whether the parties are married or living together, their 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 disputant that violence will stop.

7. The lack of visible bruises or injuries.

8. Denial by either disputant that violence occurred.

G. Factors favoring the decision to arrest

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. A protective order has been violated.

l. Aggressive behavior toward anyone, pets or any other threatening behavior

H. Making the arrest

1. Arrest the suspect if the suspect is present, apply handcuffs, inform the suspect that the decision to arrest is a law enforcement one, and transport securely to the jail/magistrate.

2. If the suspect is absent, 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.

I. If the abusive person is not arrested

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 proceeding 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.

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 prosecuting attorney and the investigating law enforcement agency

7. Assure the victim that the Bastrop ISD Police Department shall assist in future emergencies and explain measures for enhancing the victim's own safety.

J. Gathering evidence:

1. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate an attack and the crime scene itself.

2. The victim's account of injuries sustained should be corroborated by a physician if possible.

3. When feasible take photographs of injuries.

4. Photograph the crime scene to show that a struggle occurred.

5. Collect evidence according to the same principles as applied to any crime scene.

6. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime

7. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.

K. Documenting the incident

1. All incident reports on domestic violence shall follow general reporting procedures.

2. Include in all reports of domestic violence:

a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor.

b. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.

c. The victim's statements as to the number of prior calls for law enforcement assistance.

L. The disposition of the investigation.

1. In any case involving domestic violence, thoroughly document probable cause to arrest.

2. If an arrest is not made for domestic violence the incident must still be documented where either no probable cause 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 prosecuting attorney and the investigating law enforcement agency.

M. Arrests of law enforcement 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 the supervisor's 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 Detective shall be summoned and shall begin an internal criminal investigation

    a. If probable cause to arrest exists, the Detective shall arrest and gather evidence (including taking photographs) consistent with this general order.

    b. The assigned Detective 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 Detective shall speedily present the case to the prosecuting attorney.

4. Upon termination of the criminal investigation, the Chief may assign an officer to undertake an internal administrative investigation into the incident consistent with *Policy 4.7*. 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 their supervisor.

b. If the internal administrative investigation supports a violation of agency policy, the Chief shall take appropriate action consistent with *Policy 5.12*. Further, if the investigation confirms that domestic violence occurred, the chief may require 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.

VII. 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 magistrates 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 the victim can request an EPO directly from a magistrate or the prosecuting 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, possessing 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 61 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 provide with a copy and informed of its requirements.

5. A copy is also delivered to the Chief of Police and 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.

	Subject: Accident Investigation	Issue Date: 11/30/2015
	Chapter: 9	Revision Date: 06/01/2020
	Policy: 9.10 Reference: TBP: 7.16	Total Pages: 7 Chief Bunch's signature:

Accident Investigations

I. POLICY

An objective of the Bastrop ISD Police 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 purpose of accident investigation is to determine the cause of an automobile crash and use the information to develop enforcement that will reduce accidents. Accident reports are used by the Texas Department of Public Safety and the Texas Department of Transportation at the state level and locally to study the frequency of crashes at a given location and time, the causes, and the road conditions that existed at the time. The reports are also used to develop selective enforcement programs, 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, or 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:

   a. TTC 550.026 The driver of any vehicle involved in an accident resulting in death or injury shall immediately notify the 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 $1000 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 accident involving any of the following:

   a. Death or injury.

   b. Property damage in excess of $1000.

   c. Hit and run.

   d. Impairment due to alcohol and drugs.

   e. Hazardous materials.

   f. Any accident occurring on District property, involving District vehicles, equipment, or facilities.

   g. Any accident where either driver cannot produce a driver's license or proof of liability insurance.

3. Officers shall also be assigned to respond to any accident involving disturbances between drivers/passengers or which create major traffic congestion as a result of the accident or where vehicles are damaged to the extent that towing is required. Patrol vehicles may be assigned to any other accident, not listed above, to assist persons involved with information exchange. Time permitting, officers may investigate and report these accidents as supervisors direct.

B. Responding to the Accident Scene

1. Officers shall respond to minor accident scene 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 as necessary to protect victims and the accident scene while still leaving room for egress for emergency services.

C. Accident scene responsibilities

1. The first officer to arrive at an accident scene shall perform the following:

    a. Administer emergency medical care (basic life support measures) pending arrival of rescue personnel

    b. Summon additional help as required (officers, rescue and wreckers).

    c. Protect the accident scene.

    d. Preserve short-lived evidence (broken parts, skid marks, etc.).

    e. Establish a safe traffic pattern around the scene.

    f. Locate witnesses and recording key accident information.

    g. Expedite removal of vehicles, persons and debris from the roadway except for fatal accidents.

2. The officer assigned to an accident shall have the responsibility and authority to request assistance from any other officers as needed. The officer becomes the primary investigating officer in charge at the scene unless the supervisor deems it more appropriate to assign another officer these responsibilities.

3. In case of accidents that occur on private property, accident reports need not be filled out if property damage does not exceed $1000, unless the supervisor directs.

4. In case of extremely inclement weather where an accident involves only property damage, the 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 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. Exchange information among principals.

B. Follow-up activities

1. Follow-up activities which 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. In death cases, the prosecuting 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 DWI, an arrest warrant shall be obtained. If the driver is hospitalized, then 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. The patrol vehicle shall not be parked at the scene in a manner that will endanger other pedestrians or motorists. The officer shall consider using the vehicle as a shield to protect the scene as well as protecting the officer. The officer shall leave the vehicle emergency lights on.

2. At all times when investigating an accident on the streets or highways the officer shall wear a reflector safety vest. If necessary, officers shall use turbo-flares (available in each patrol vehicle) to create an illuminated warning pattern to alert other drivers.

3. 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 chief 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 chief.

4. 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 the victims claim it.

5. The person clearing a wrecked or damaged vehicle from a highway is responsible for the removal of any glass or other injurious substance dropped upon the highway. Where the quantity of accident debris is too great for the wrecker operator to do this, the fire department shall assist in washing down combustible substances.

6. 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 District property, or publicly accessed District property within the District if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of $1000 or involves government operated vehicles). Public property is any highway, roadway, street or public parking lot maintained by the state, county or city.

a. 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 involves government operated vehicles).

3. Accidents that do not meet reporting requirements may still be reported by the vehicle operators using the Texas Blue Form.

E. Disabled vehicles

1. Officers shall not push or tow any vehicle with a patrol vehicle unless the patrol vehicle is equipped with a department approved push bar and the officer has been trained in its use.

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. Summon a wrecker if a jump start is required.

3. Officers shall direct motorists who are low on gas to the nearest station. If completely out of gas and no station in town is open, summon a wrecker on behalf of the motorist.

	Subject: Informants	Issue Date: 11/30/2015
	Chapter: 9	Revision Date: 06/01/2020
	Policy: 9.11 Reference: TBP: 7.11 and 7.12	Total Pages: 7 Chief Bunch's signature:

Informants

I. POLICY

In many instances, a successful investigation cannot be conducted without the use of confidential informants ("CI"). While the use of a CI 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 CI's.

III. DEFINITIONS

A. Confidential Informant: An individual who provides services or information to the police, with or without being paid, but 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 function 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, kept on top of the file. This record provides a summary of informant payments.

c. Receipts for purchase of information

d. Copies of statements 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. If an informant is determined to be unreliable, the informant's file shall be placed in the unreliable informant file;

h. Signed informant agreement; and

i. Update on active or inactive status of informant.

3. Confidential informants that at any time provide officers with false, 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 had previously been designated an unreliable informant.

4. Informant files shall be maintained in a secured area within the criminal investigations section.

5. Access to the informant files shall be restricted to the Chief of Police, the supervisor of criminal investigations or their designees.

6. Sworn personnel may only review an individual's informant file upon the approval of the supervisor of criminal investigations.

B. Recruitment and Use of Informants

Individuals have varied motivations for becoming a confidential informant. It is critical that officers use good judgment and understand the reasoning behind an individual serving as an informant. Some are

providing information as a means to eliminating or reducing a criminal case against them, others for money and others because of a sense of civic responsibility.

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 District.

    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 any involving Family Violence,

    c. From individuals who volunteer to be a CI (for payment or not).

    d. Juveniles (Under age of 21) shall not be used. While officers may receive information and act on confidential information given by a juvenile, they shall not be considered a CI nor encouraged or paid any monies (other than through the Crime Stopper 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.

    e. Before using any individual who is currently on Probation or Parole, the permission of the controlling Probation or Parole officer must be obtained.

2. Before using an individual as a CI an officer must receive initial approval from the CID supervisor.

3. The officer shall compile sufficient information through a background investigation in order to determine the reliability and credibility of the individual.

4. After the officer receives initial approval to use an individual as a CI, an informant file shall be opened.

5. All persons determined to be unsuitable for use as a CI shall be referenced as unreliable in the informant file.

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. They will receive no special legal considerations; and

    c. Informants are not to take, and the department will not condone, any actions that may be considered entrapment. Entrapment occurs where 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, accept gratuities or engage in any private business transaction with a CI.

3. Whenever possible an officer shall always be accompanied by another officer when meeting with a CI.

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. Officers wishing to pay an informant for information shall:

    a. Prepare a Request for Funds form with the CI's number, a short explanation of what information is being purchased and what case of incident the information pertains to and present to the officer's supervisor. The supervisor will determine if the payment is appropriate and forward the request to the Chief of Police.

b. If approved by the Chief of Police, the CID supervisor will log out the money to the officer and have the officer sign receipt of the money on the request form. The supervisor shall also note the disbursement in the confidential funds log.

c. 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.

d. If no payment is made, the funds will be returned to the CID supervisor before the end of shift.

e. The receipt will be returned to the CID supervisor along with a summary of the information provided and will note place the original of the receipt in the confidential fund log.

f. A copy of the receipt and the summary of information given will be placed in the CI's file.

2. 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 their advantage.

3. Maintenance of the confidential fund. *(TBP: 7.12)*

a. The CID supervisor is assigned the responsibility for maintaining the informant fund. The fund will be maintained in a locking cash box and locked in the safe in the CID supervisor's office.

b. At no time will the funds be greater than $500 in the fund.

c. The confidential fund custodian shall make disbursements from the confidential fund only to authorized personnel for the following purposes:

    i. Payments that are to be made directly to confidential informants;

    ii. Investigative funds for the purchase of illegal drugs, contraband and other criminal evidence;

    iii. Purchases of food and beverages for a confidential informant;

    iv. Expenditures for authorized undercover operations; and

    v. Flash and front money.

d. The confidential fund custodian shall not be permitted to make personal (i.e., the custodian) disbursements from the confidential fund.

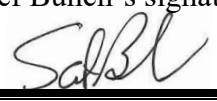
e. A disbursement log and receipt book will be maintained inside the cash box with the funds. Entries in the log will be made for every disbursement or return as well as replenishment of the fund.

f. The disbursement log shall record the beginning balance, date of withdrawal, amount, officer receiving, 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, copy the receipt, and place a copy of the receipt in the informant file along with a statement of the information or service received. The original of the receipt will be kept in a file in the safe with the cash box.

h. When the amount of funds in the informant fund drops below $100, the CID supervisor will request replenishment from the District Finance Department.

i. At least every 6 months, the Chief of Police or 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 District Finance Department. A notation of the audit will also be made in the disbursement log.

	Subject: Operations Function	Issue Date: 11/30/2015
	Chapter: 10	Revision Date: 06/01/2020
	Policy: 10.1	Total Pages: 1 Chief Bunch's signature: 

Operations Function

II. Policy

The Bastrop ISD Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency and to divert juvenile violators from the criminal justice system.

The juvenile operations function involves all officers.

I. Purpose

To establish agency accountability for the juvenile function.

	Subject: Development of Policies and Procedures	Issue Date: 11/30/2015
	Chapter: 10	Revision Date: 05/01/2020
	Policy: 10.2	Total Pages: 2 Chief Bunch's signature:

Development of Policies and Procedures

I. Policy

A. In 1973, the Texas Legislature enacted Title 3 of the Texas Family Code, the statutory basis for juvenile law. The Family Code attempts to balance the needs and rights of the child against the needs for a safe community.

The two state agencies primarily involved in the juvenile justice system are the Texas Youth Commission and the Texas Juvenile Probation Commission. While both state agencies provide juvenile justice services at the state level, the juvenile justice system in Texas functions primarily at the local county level. Most juvenile offenders are processed through county courts, under the guidance of the county juvenile boards.

The Bastrop ISD Police Department in the development of the agency's policies and procedures relating to juveniles solicited and encouraged review and comment by other elements of the juvenile justice system, such as the Bastrop County Juvenile Probation Department and the Bastrop County Juvenile Board. This Administration continues to utilize other elements of the juvenile justice system in the development of agency policies and procedures relating to juveniles, including:

1. JUVENILE JUSTICE HANDBOOK FOR CITIES, published by the Texas Attorney General's Office; and

2. JUVENILE JUSTICE PROCEDURES funded and developed in 1999 by the Office of the Governor, Criminal Justice Division.

B. The Juvenile Justice Procedures Course Manual was developed through the Juvenile Justice Video Instruction Project, which was funded by the Office of the Governor, Criminal Justice Division, Grant No. JA-96-J02-13151. The primary purpose of this project was to train police officers across the state, regarding juvenile procedures. All sworn police officers shall be trained in juvenile procedures.

II. Definitions

A. Bastrop County Juvenile Board is composed of local judges, which governs the operation of the juvenile justice system at the local level, including the juvenile detention facility.

B. Bastrop County Juvenile Probation is the county agency responsible for administering juvenile probation's services at the local level, including a safe and suitable detention facility. The Bastrop County Juvenile Probation Department functions at the direction of the Bastrop County Juvenile Board.

C. Texas Family Code is the state law, which regulates the treatment of juvenile offenders.

D. Texas Juvenile Probation Commission (TJPC) was created in 1981 as the state agency in charge of overseeing juvenile probation services in the State of Texas.

E. Texas Youth Commission (TYC) is the state agency charged with holding, treating, and rehabilitating the most serious juvenile offenders. TYC's responsibilities include

1. Rehabilitation

2. Parole supervision

III. Purpose

To encourage communication, cooperation, and coordination among the various components of the juvenile justice system in the development of the agency's policies and procedures, relating to juveniles.

	Subject: Agency Referrals	Issue Date: 11/30/2015
	Chapter: 10	Revision Date: 06/01/2020
	Policy: 10.3	Total Pages: 3 Chief Bunch's signature:

Agency Referrals

I. Purpose

To encourage officers to use the least coercive among reasonable alternatives, diverting juveniles, who commit petty crimes, from the Juvenile Justice System; while restricting juvenile referrals to those areas, involving serious criminal conduct, violent behavior or repeated criminal violations.

II. Definitions

A. CINS: is an acronym for *Conduct in Need of Supervision.* CINS is defined as conduct, other than a traffic offense, that violates laws that are punishable by fine only; or penal ordinances of any political subdivision, such as Public Intoxication.

B. Status offense: is conduct under state law that is generally not a crime if committed by an adult, such as runaway, truancy or juvenile curfew violations.

C. Delinquent Conduct: is conduct, other than a traffic offense, that violates a penal law of this state or of the United States, punishable by imprisonment or by confinement in jail.

III. Policy

A. Law Enforcement Agencies have a wide range of alternative remedies they may employ, ranging from warnings, citations and referral to juvenile court. Officers may handle a juvenile either informally or formally, in accordance with the Texas Family Code Sec. 52.03 or the Education Code, depending upon existing circumstances. The Bastrop ISD Police Department recognizes the need to prevent juvenile delinquency, to divert juveniles from the juvenile justice system (minor offenses), and to pro-actively enforce the law, while holding juvenile offenders accountable.

1. Informal disposition is when the officer diverts minor violations from the Juvenile Justice System, by outright release with no further action, or under warning to the juvenile's parents or guardians or the issuing of written citations.

2. Formal disposition requires referral to the Bastrop County Juvenile Probation Department, Juvenile Court or District Attorney.

B. When dealing with juvenile offenders, officers shall use the least coercive among reasonable alternatives, consistent with preserving public safety, order and individual liberty, regarding juvenile custody, release and detention. In accordance with the Texas Family Code, warnings, written citations or summons should be used rather than taking the child into police custody. Officers will notify the parents or guardians. A *copy* of the citation will be mailed to the juvenile's parents or guardians.

The diversion of juvenile offenders for minor violations should be at the mutual agreement of the Bastrop ISD Police Department, Bastrop County Juvenile Probation Department, and/or Bastrop ISD Administration that it would be in the best interest of the juvenile. *If in doubt*, officers are instructed to contact their immediate supervisor or converse with a representative of the Bastrop County Juvenile Probation Department before taking informal action. Specific factors should be considered in regards to the possible diversion of juvenile offenders from the Juvenile Justice System as outlined in the following procedures.

Formal legal proceedings (referral to juvenile court), regarding juvenile offenders, shall be restricted to those cases involving serious criminal conduct or repeated criminal violations.

IV. Procedure

A. Juveniles, alleged to have committed the following offenses, shall be referred to the Bastrop County Juvenile Probation Department.

1. All felonies

2. A and B misdemeanors, such as:

   a. Firearm violations;

   b. Incidents of violence, involving any other weapon;

   c. Narcotic violations;

   d. DWI/DUI; and

   e. Possession of illegal weapons at school or school related activity.

3. Class A assaults on school employees and public servants, if the assault is connected to their official capacity.

B. Class C traffic and non-traffic misdemeanors and Status Offense may be referred to Municipal court or the Justice of the Peace. Officers may issue a citation for all fine only offenses to any juvenile age 10 or above. The juvenile's parent or guardian must accompany juveniles, under the age of 17. Officers shall not issue citations to juveniles during school hours or school functions for non-traffic offenses.

C. Other minor offenses, including status offenses, may be disposed by outright release with no further action. In making the decision to refer a case, consideration should be given to the following factors:

1. Juvenile's age

2. Arrest record

3. Cooperation of juvenile/parents

4. Nature of the offense

5. Complainant's desire for further action in the juvenile justice system

6. Availability of community-based treatment programs

D. Cases not referred to the Bastrop County Juvenile Probation Department may be disposed as follows:

1. Referral to an alternative program, such as:

   a. Behavior adjustment and intervention;

   b. Catholic Family Services;

   c. Community Resource Coordination Groups (CRCG).

2. Brief conference with the juvenile, parent or guardian.

E. Warning Notices:

1. May be given, at the officer's discretion, when no further intervention is deemed necessary, for the following offenses:

   a. Status Offenses

   b. Class A and B Misdemeanors that are not included under mandatory referral policy.

2. Warning notices do not require an offense report.

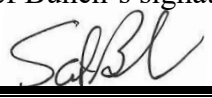
3. Officers will distribute copies, accordingly:

   a. Original - Child

   b. Yellow - Bastrop County Juvenile Probation

   c. Pink - Parent, guardian or custodian

   d. Green – Bastrop ISD Police Department

	Subject: Custody	Issue Date: 11/30/2015
	Chapter: 10	Revision Date: 06/01/2020
	Policy: 10.4	Total Pages: 5 Chief Bunch's signature: 

Custody

I. Purpose

To establish SOP for taking a juvenile into police custody.

II. Definitions:

A. CINS – Conduct in Need of Supervision: Child whose conduct, other than a traffic offense, violates the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or penal ordinances. CINS also includes truancy, runaway, public intoxication, inhalations, school expulsion and violation of court orders.

B. Continuous Visual Supervision: Ability to physically see a child at all times, who is in non-secure custody.

C. Delinquent Conduct: Conduct, other than a traffic offence, which violates a penal law of this state or the United States, punishable by imprisonment or by confinement in jail.

D. Sight & Sound Separated: a place where juveniles and adult offenders are unable to see each other and conversation between them is not possible.

E. Status Offense: is conduct under state law which is generally not a crime if committed by an adult, such as truancy, runaways, tobacco offenses, failure to attend school or violations of juvenile curfews.

F. Intake Officer: is a certified Juvenile Probation Officer of the Bastrop County Juvenile Probation Department.

III. Policy

For the protection of the child, as well as the public, the police may decide to take a juvenile into custody by bringing the juvenile to the police department juvenile processing rooms and contacting the Bastrop County Juvenile Probation Department's Officer for processing and detention. When taking a juvenile into custody, officers will adhere to established agency policy in accordance with State law.

IV. Procedure

A. Medical Treatment: Emergency medical treatment shall always be a top priority:

1. If a juvenile requires medical attention, the arresting officer will promptly arrange transportation of the juvenile to a medical facility for treatment notifying the child's parents as quickly as possible.

2. If the child is injured, sick or otherwise in need of medical attention the child will not be accepted at a Juvenile Detention Facility unless cleared in writing by appropriate medical personnel.

B. Police Custody: State Law provides the following circumstances when the police may take a child into custody:

1. Pursuant to an order of the juvenile court;

2. Pursuant to the laws of arrest;

3. By a law enforcement or school district peace officer if there is probable cause to believe that the child has engaged in:

a. conduct that violates a penal law of this state or a penal ordinance of any political subdivision of this state; or

b. delinquent conduct or conduct indicating a need for supervision;

c. conduct that violates a condition of probation

4. By a probation officer if there is probable cause to believe that the child has violated a condition of probation imposed by the juvenile court; or

5. Pursuant to a directive to apprehend; or

6. By a probation officer if there is probable cause to believe that the child has violated a condition of release imposed by the juvenile court or referee under section 54.01.

C. Protective Custody: In addition to the above, officers may take a child into protective custody under the following state guidelines, established by the Texas Family Code:

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 delay to the parent or guardian.

2. When there is an immediate danger to the physical health or safety of the child, such as child and/or sexual abuse.

3. Status offenses are considered non-criminal behavior, including:

a. Juveniles, who are listed as *runaway,* should be released by police to a parent, guardian, or responsible adult. If this is not possible, the officer will notify the Bastrop County Juvenile Probation Department for placement instructions.

b. Students, who are truant from school, will be returned to the school and released to the principal or the principal's designee. If this is not possible, the student must be released by police to a parent, guardian or responsible adult.

D. Juvenile Processing Office/Intake Facility: When a juvenile has been taken into police custody, the officer will:

1. Immediately transport the juvenile directly to a designated juvenile processing office located at the police department.

a. A juvenile processing office may not be a jail cell or holding facility used for detention of adults

b. Further, the child must be in an area where continuous visual supervision and sight and sound separation from adult offenders are maintained.

E. Time Constraints: A child may be briefly detained in a juvenile processing office, not to exceed six (6) hours, for the following purposes only:

1. Release of the child to a parent, guardian, custodian of the child, or other responsible adult:

2. Completion of essential forms and records:

3. Photographing and fingerprinting of the child if otherwise authorized at the time of temporary detention;

4. Issuance of warnings to the child; and

5. Receipt of a statement by the child.

F. Notifying Juvenile's Parents or Guardians:

1. An officer, who issues a juvenile citation or takes a juvenile into police custody, shall *promptly* notify the juvenile's parents or guardians of the reason for taking the child into custody. A copy of the citation should be mailed to the juvenile's parents or guardians.

2. If the juvenile's parent, guardian, custodian, or other responsible adult cannot be contacted, the officer shall contact an officer of the Bastrop County Juvenile Probation Department, requesting assistance with disposition of the child.

G. Release from Custody: After taking a juvenile into custody, the officer may release the juvenile to the parent, guardian, custodian, or other responsible adult upon the person's promise to bring the juvenile before the Juvenile Court, if warranted.

H. Constitutional Rights: Officers are legally responsible to ensure that the constitutional rights of juveniles are always protected:

1. The juvenile is entitled to be accompanied by the juvenile's attorney.

2. Officer will not interfere with a juvenile's constitutional right to legal representation under the 6th Amendment. An attorney may represent a juvenile at every stage of proceedings.

3. If a juvenile suspect is to be interrogated about any crime, a magistrate must advise the juvenile of the statutory warnings, in accordance with the state law and the federal Miranda Case:

a. Right to attorney (6th Amendment)

b. Right to remain silent (5th Amendment)

4. Once at the police department, juvenile offenders must be separated by sight and sound from adult offenders, in an approved juvenile processing room with continuous visual supervision.

5. Juvenile offenders cannot be held longer than six (6) hours.

6. Juvenile offenders can only be photographed and fingerprinted, in accordance with state law.

I. Intake Procedures:

1. The Bastrop County Sheriff's Office will transport juvenile offenders to a juvenile detention facility. The juvenile officer will make arrangement with the detention facility.

2. A juvenile offender may be placed into detention at the direction of the Bastrop County Juvenile Probation Department in accordance with guidelines adopted by the Bastrop County Juvenile Board, pursuant to the Texas Family Code for the following:

a. If the child is likely to abscond or be removed from the jurisdiction of the court;

b. If the child lacks adequate supervision;

c. If the child is accused of committing a felony offense and may be potentially dangerous to themselves or others such as bringing a weapon to school;

d. If the child was previously adjudicated for delinquent conduct and are likely to commit an offense if released;

e. A child should be detained in a juvenile detention facility regarding crimes of violence, including: capital murder, murder, voluntary manslaughter, involuntary manslaughter, kidnapping, aggravated kidnapping, sexual assault, aggravated sexual assault, indecency with a child, aggravated assault, arson, robbery, weapon violations or the criminal attempt of any of the above criminal offenses.

	Subject: Custodial Interrogations	Issue Date: 11/30/2015
	Chapter: 10	Revision Date: 06/01/2020
	Policy: 10.5	Total Pages: 5 Chief Bunch's signature:

Custodial Interrogations

I. Purpose

To safeguard the constitutional rights of juvenile offenders.

II. Policy

Officers of the Bastrop ISD Police Department will strictly adhere to the procedures set-forth, concerning the custodial interrogations of juveniles.

III. Procedure

A. Officers who interrogate a juvenile suspect regarding that juvenile's possible involvement in an alleged criminal offense shall adhere to the following procedures:

1. Identify themselves as Bastrop ISD Police Officers and give notice of their purpose.

2. When appropriate, arrange for the juvenile interrogation to take place at the Bastrop ISD Police Department in one of the approved juvenile processing offices, which has been designated so, by the Bastrop County Juvenile Board.

3. Promptly notify the parents or guardians in regards to the custodial interrogation of juveniles.

4. Promptly contact the Chief of Police to receive permission to interrogate.

5. Interrogating officer shall contact and arrange for a magistrate to advise the juvenile offender of the statutory warnings, under the Texas Family code as follows:

a. You have the right to remain silent and not make any statement at all and that any statement that you make may be used in evidence against you;

b. You have the right to have an attorney present to advise you either prior to any questioning or during the questioning;

c. If you are unable to employ an attorney, you have the right to have an attorney appointed to counsel with you prior to or during any interviews with peace officers or attorneys representing the state;

d. You have the right to terminate (stop) the interview at any time.

B. No juvenile can be compelled to answer any incriminating questions. Once a magistrate is convinced that the juvenile suspect understands the previously described constitutional rights and the nature of the criminal allegation made against the juvenile suspect, then the officer may continue with the interrogation.

C. Officers will not prolong the interrogation period any longer than is necessary to complete their criminal investigation, but by state law the duration of interrogation cannot exceed six (6) hours.

D. The interrogation should be limited to two (2) officers.

E. Because the juvenile may not understand what is happening, the interrogating officer shall inform the juvenile offender of the criminal allegation, explaining agency and juvenile justice system procedures to juveniles being interrogated.

1. A juvenile shall <u>not</u> be left unsupervised in a juvenile processing office. Officers may allow parents or guardians to confer with their child. If the juvenile requests the parent or guardian to be present during the interrogation, officers shall honor the child's request. If the parent or guardian interferes with the interrogation, the officer should separate the child and parent or guardian until the child is ready to be released after processing. The child has a right to have the child's parents or legal guardian present while being questioned. If the child requests parents to be present and the parents are interfering, the interview may be ended.

F. School Interviews/Arrests: Schools should request assistance any time delinquent conduct, conduct indicating a need for supervision, or a finable offense is committed at school.

1. When an officer is summoned to a school to investigate any offense involving students, prior to removal or interviewing of students, the office will contact the principal.

   a. While parental permission to question a student by police is not required, the principal or the principal's designee must notify the student's parents, in accordance with the Education Code.

   b. The officer shall note in the report, the school official's name and title, the parent notified, and the time of notification. If notification is unsuccessful, the officer shall make a notation of such.

2. Officers will <u>not</u> remove a student from school, except incidents warranting immediate police attention. The officer should schedule most police/student interviews or interrogations after normal school hours. NOTE: The Education Code requires a school official be present when an officer interviews or interrogates a student at school.

3. If the nature of the investigation warrants the referral to Bastrop County Juvenile Probation Department, the officer will adhere to the procedures founded within the Texas Family Code, regarding police custodial juvenile interviews or interrogations.

4. School arrests should be limited to the following situations:

   a. Pursuant to a court order

   b. Pursuant to the laws of arrest

   c. Upon probable cause regarding a violent felony crime

   d. Disruptive or uncontrollable students, requiring immediate removal from the school premise.

5. Weapon offenses: as a preventative measure to control school violence and to keep our schools safe, the Bastrop ISD Police Department and the Bastrop County Juvenile Probation Department, have adopted an arrest policy, based on probably cause, regarding weapon violations on school campuses.

a. The arresting officer shall promptly arrest and remove any student or person carrying a weapon to school.

b. The officer shall notify the principal regarding the student's arrest, providing the student's name, criminal violation, location of the student and name of arresting officer.

c. The officer shall verify that the principal or the principal's designee has notified the student's parents regarding the arrest.

G. Guidelines-Student Searches: The Supreme Court has ruled that students have certain privacy interests such that they have a Fourth Amendment right to be free from unreasonable searches and seizures while at school. However, the Court realizes that the student's privacy rights must be balanced with maintaining discipline at schools. The two court standards govern the legality of student searches, depending on who conducts the search.

1. Law Enforcement officials shall be limited to incidents supported by *probable cause,* in regards to contraband, weapons or evidence of a crime.

a. Strip searches or body cavity searches are *prohibited,* unless authorized by the Chief of Police or at the direction of the prosecuting attorney. Officers must take into account the student's age and sex, the location of the search and the crime.

b. All searches must be conducted according to established agency policy, state and federal laws.

2. School officials may conduct *reasonable suspicion* searches in light of all the circumstances. If school officials decide that a search is necessary, they must use the least intrusive means of conducting the search. To be a reasonable search, a search must be:

a. Justified at its inception, and

b. Reasonably related in scope to the circumstances, which justified the interference with the student's privacy rights in the first place.

3. A number of factors may contribute to the formation of reasonable suspicion, including the student's past and present behavior, such as:

   a. Does the student have a history of violent behavior?

   b. Does the student pose an immediate danger to himself/herself or others?

   c. How is the student reacting to questioning by school authorities?

   d. Does the student appear to be hiding something illegal?

4. The officer will adhere to the guidelines, contained in the SCHOOL CRIME AND DISCIPLINE HANDBOOK, published by the Texas Attorney General. **(This handbook is located in Chapter 34 of the Bastrop ISD Police Department Policy Manual).**

	Subject: Notification of Schools	Issue Date: 11/30/2015
	Chapter: 10	Revision Date: 06/01/2020
	Policy: 10.6	Total Pages: 5 Chief Bunch's signature:

Notifications of Schools

I. Purpose

To exchange information regarding a student's arrest, while promoting safe schools.

II. Discussion

Law Enforcement agencies and schools are mandated by *Article 15.27 of the Code of Criminal Procedure* to notify each other any time a student of a public or private primary or secondary school is arrested or detained for certain offenses. Issuing a citation would be considered an arrest, mandating notification. Notification includes –

A. Oral notification within 24 hours; and

B. Written notification within seven (7) days.

III. Policy

State law requires the police to notify the School Superintendent or the Superintendent's designee (Principals), regarding students arrested or detained by the police for specific offenses. Officers are instructed to comply with this legal requirement, related to student arrests.

All personnel shall keep this information *confidential*, releasing the information only to persons authorized by state law. Any person, who receives information, regarding a student's arrest, may <u>not</u> disclose the information, except as specifically authorized by state law. A person, who intentionally violates this law, commits a Class C misdemeanor.

IV. Procedure

A. Principal Duties: The Principal or the Principal's designee has a legal duty to notify local law enforcement regarding certain crimes, taking place

at school or at a school related event. The report must contain the student's name and address.

1. These criminal activities include the unlawful use, sale or possession of alcohol, drugs, drug paraphernalia or illegal weapons.

2. Also included in this category is conduct that may result in the serious injury of a student or teacher.

B. Chief of Police Duties: The Chief of Police or the Chief's designee has a legal duty to notify the School Superintendent or Principal, regarding certain crimes committed by students.

C. Notification Requirements:

1. The arresting officer is responsible to verify whether the person is a student in a public primary or secondary school. *If so,* the arresting officer must orally notify the student's Principal within 24 hours after the arrest or detention, or on the next school day.

2. The officer is responsible to notify both the school Superintendent and Principal in writing within seven (7) days after the oral notice is given.

   a. The written notice must be marked *"PERSONAL AND CONFIDENTIAL"* on the mailing envelope.

   b. The written notification must have the following printed at the top of the notice in bold letters:

      "WARNING: The information contained in this notice is intended only to inform appropriate school personnel of an arrest or detention of a student believed to be enrolled in this school. An arrest or detention should not be construed as proof that the student is guilty. Guilt is determined in a court of law. THE INFORMATION CONTAINED IN THIS NOTICE IS CONFIDENTIAL!"

   c. Written notification must include the facts contained in the oral notification, the name of the person who was orally notified and the date and time of the oral notification.

   d. Both the oral and written notifications shall contain sufficient details of the arrest and the acts allegedly committed by the juvenile.

e. The officer shall record in the narrative report the name of the school that the student attends and the name of the person to whom notification was made.

f. If the suspect has dropped out of school and does not attend school, the officer will record such facts in the narrative report.

D. Information released to the school: Both the oral and written notice shall contain *sufficient details* of the arrest or referral and the acts allegedly committed by the student to enable the superintendent or principals to determine whether there is reasonable belief that the student is a threat to school safety. Any request for copies of the offense report, supplements, affidavits or suspect's confession should be directed to the Bastrop County Juvenile Probation Department.

1. Student's name and address

2. Date/Time of arrest

3. Offense – brief summary of details

E. Offenses covered by this specific law include:

1. Any felony offense

2. Misdemeanor offenses under Penal Code:

a. 20.02 – Unlawful Restraint

b. 21.08 – Indecent Exposure

c. 22.01 – Assault

d. 22.05 – Deadly Conduct

e. 22.07 – Terroristic Threat

f. 71.02 – Engaging in Organized Criminal Activity.

3. The unlawful use, sale or possession of a controlled substance, drug paraphernalia or marijuana, as defined by Chapter 481, Health and Safety Code; or,

4. The unlawful possession of any of the weapons or devices listed in Sections 46.01(1)-(14) or (16). Penal Code or a weapon listed as a prohibited weapon under Section 46.05, Penal Code.

   a. Sections 46.01(1)-(17), (16):

      1. Club
      2. Explosive weapon
      3. Firearm
      4. Firearm Silencer
      5. Handgun
      6. Illegal Knife
      7. Knife
      8. Knuckles
      9. Machine Gun
      10. Short-Barrel Firearm
      11. Switchblade Knife
      12. Armor-Piercing Ammunition
      13. Hoax Bomb
      14. Chemical Dispensing Device
      15. Racetrack
      16. Zip Gun
      17. Tire Deflation Device

   b. Section 46.05

      1. Explosive Weapon
      2. Machine Gun

3. Short-Barrel Firearm

4. Firearm Silencer

5. Armor-Piercing Ammunition

6. Chemical Dispensing Device

7. Zip Gun

8. Tire Deflation Device

	Subject: Juvenile Operations	Issue Date: 11/30/2015
	Chapter: 10	Revision Date: 06/01/2020
	Policy: 10.7	Total Pages: 2 Chief Bunch's signature:

Juvenile Operations

I. The written directives in this chapter relate to juvenile operations. Juvenile operations shall include enforcing the law as well as preventing juvenile delinquency. Activities should include:

A. diverting youths from the criminal justice system;

B. designing & implementing programs to prevent juvenile delinquency;

C. conducting follow-up investigations of cases involving juvenile offenders;

D. processing juvenile arrests; and

E. preparing and presenting juvenile court cases

II. When dealing with juveniles, law enforcement officers should always use the least coercive among reasonable alternatives, consistent with preserving public safety, social order and individual liberty. In Texas, law enforcement officers have five sets of alternatives from which to choose:

A. release the offender, taking no further action – except issuing a warning, citation, summons or releasing to the parents, etc.

B. divert the offender to a social agency;

C. refer to another police agency;

D. refer to juvenile court or probation department; or

E. refer to criminal or adult court.

III. Every police officer has a responsibility to use the least coercive among reasonable alternatives to prevent juvenile delinquency and to divert juveniles from the criminal justice system.

IV. Given the special legal status of juveniles procedures have been developed in compliance with state law governing juvenile custody, detention, interrogation, photographs, fingerprints as well as juvenile records.

	Subject: Juvenile Processing Procedures	Issue Date: 11/30/2015
	Chapter: 10	Revision Date: 06/01/2020
	Policy: 10.8 Reference: TBP: 10.02, 10.02a, 10.02b, 10.02c, 10.02d, 10.02e, 10.02f, 10.03	Total Pages: 19 Chief Bunch's signature:

Juvenile Processing Procedures

I. POLICY

The Bastrop ISD Police 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.

In 1973, the Texas Legislature enacted Title 3 of the Texas Family Code, the statutory basis for juvenile law. The Family Code attempts to balance the needs and rights of the child against the needs for a safe community.

The two state agencies primarily involved in the juvenile justice system are the Texas Youth Commission and the Texas Juvenile Probation Commission. While both state agencies provide juvenile justice services at the state level, the juvenile justice system in Texas functions primarily at the local county level. Most juvenile offenders are processed through county courts, under the guidance of the county juvenile boards.

The Bastrop ISD Police Department in the development of the agency's policies and procedures relating to juveniles solicited and encouraged review and comment by other elements of the juvenile justice system, such as the Bastrop County Juvenile Probation Department and the Bastrop County Juvenile Board. This Administration continues to utilize other elements of the juvenile justice system in the development of agency policies and procedures relating to juveniles, including:

1. JUVENILE JUSTICE HANDBOOK FOR CITIES, published by the Texas Attorney General's Office; and

2. JUVENILE JUSTICE PROCEDURES funded and developed in 1999 by the Office of the Governor, Criminal Justice Division.

The Juvenile Justice Procedures Course Manual was developed through the Juvenile Justice Video Instruction Project, which was funded by the Office of the Governor, Criminal Justice Division and Grant Number JA-96-J02-13151. The primary purpose of this project was to train police officers across the state, regarding juvenile procedures. All sworn police officers shall be trained in juvenile procedures.

II. PURPOSE

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. Bastrop County Juvenile Board is comprised of local judges, which governs the operation of the juvenile justice system at the local level, including the juvenile detention facility.

B. Bastrop County Juvenile Probation is the county agency responsible for administering juvenile probation's services at the local level, including a safe and suitable detention facility. The Bastrop County Juvenile Probation Department functions at the direction of the Bastrop County Juvenile Board.

C. Child (Juvenile): A person who is ten years of age or older and less than seventeen years of age.

D. Conduct in Need of Supervision: Conduct, other than a traffic offense, that violates the penal laws of the state punishable by fine only, or violations of municipal ordinances, failure to attend school and runaway.

E. 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.

F. Delinquent child: A child who has committed a delinquent act or an adult who had committed a delinquent act prior to the individual's 17th birthday.

G. 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.

H. 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.

I. Juvenile Processing Office: The office or location within the Bastrop ISD 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. The approved Juvenile Processing Office for the Bastrop ISD Police Department is located within the Cedar Creek High School.

J. 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.

K. Responsible or Suitable Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is responsible for the physical custodian of a juvenile or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume that responsibility.

L. Status Offender: A juvenile who is charged with an offense that would not be a crime if committed by an adult such as curfew and runaway.

M. Texas Family Code is the state law, which regulates the treatment of juvenile offenders.

N. Texas Juvenile Probation Commission (TJPC) was created in 1981 as the state agency in charge of overseeing juvenile probation services in the State of Texas.

O. Texas Youth Commission (TYC) is the state agency charged with holding, treating and rehabilitating the most serious juvenile offenders. TYC's responsibilities include

    1. Rehabilitation

    2. Parole supervision

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:

   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, and

   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. When informed of a situation that is considered administrative or a Class C misdemeanor, officers shall immediately notify administrators. All administrative matters and Class C misdemeanors involving juvenile offenders on school campus and during school hours shall be handled by school administrators. Officers are allowed to assist in administrative and/or Class C misdemeanor matters in a nominal and observational role.

3. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record. The juvenile justice system emphasizes confidentiality of records and the privacy of an adjudicatory hearing. Where appropriate, officers shall reasonably try to keep juveniles out of the criminal justice system.

4. 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.

5. 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 was issued, an incident report will be generated to document the contact and actions taken. If possible, all contacts with juveniles will be recorded as best 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. 52.01 of the Family Code specifies that a child may be taken into custody by a law enforcement officer when a child engages:

    a. In conduct that violates a penal law of this state or a penal ordinance of any political subdivision of this state,

    b. In delinquent conduct or conduct indicating a need for supervision, or

    c. In conduct that violates a condition of probation imposed by the Juvenile Court

2. The section 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 and victim) and the possibility of the offense being repeated.

    e. 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:

    a. release without further action, release with verbal warning, referral to parents or responsible adult or informal counseling with contact of parents or responsible adult;

    b. 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

    c. 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, referral to parents or responsible adult or informal counseling with contact of parents or responsible adult.

a. Appropriate in 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

iii. May include contact with parent if appropriate. 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. If the parents cannot be contacted, officers will make a copy of the citation and forward the copy to the Criminal Investigations Division for mailing to the parents. On it, the officer shall give a complete description of the circumstances of the contact.

c. If officers detain a juvenile for a non-traffic offense and decide not to issue a warning or citation, officers shall complete an incident report and forward it to the Criminal Investigations Division for mailing to parents.

2. Field release with written warning or citation, or 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.

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 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 the 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:

        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 they 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 the juvenile's parents, guardians, 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; afforded reasonable access to toilets and washing facilities; provided food if 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 the handcuffs 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 the juvenile's constitutional rights when appropriate.

2. Without unnecessary delay and without first taking the child elsewhere, the officer does one of the following:

a. Release the juvenile to a parent, guardian, custodian or other responsible adult;

b. Bring the juvenile before an official of the Juvenile Court;

c. Take the juvenile to a detention facility designated by the Juvenile Court;

d. Take 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;

e. Take 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;

f. In cases of truancy, immediately take the juvenile to the proper school official within the appropriate public or private school;

g. Take the juvenile into protective custody if the officer believes the juvenile is in danger of harm; or

h. Release 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 Bastrop ISD Police Department approved Juvenile Processing Office is any room inside of 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 are out of sight and sound of adult prisoners.

d. No juvenile is held in custody longer than is reasonable 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 6 hours of an arrest.

E. Taking a Runaway into custody

When probable cause exists that a juvenile has run away from home the officer shall perform the following:

1. Verify status as runaway

2. Take the child into custody.

3. Release the juvenile to a parent, guardian, legal custodian or other person acting for a parent. If a parent cannot be located, take the juvenile to the juvenile processing office and make contact with the Juvenile Detention Center Intake Officer for instructions.

4. The Juvenile Processing Office may not be locked when holding status offenders. An officer will remain with the juvenile until disposition is made.

5. In any event, officers shall complete incident reports for any runways taken into custody.

6. Out-of-town runaways: take the child into custody and verify runaway status with the other jurisdiction. 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.

iii. If the child is to be released and the parents cannot respond within a reasonable period of time, then arrange to detain the juvenile].

F. Taking a Truant into Custody

1. When custody occurs because a juvenile is a reported truant by school officials, the juvenile shall be taken into custody and delivered to the appropriate school personnel and released.
2. The officer shall complete an incident report which includes the name of the person notifying the parent of the truancy and the name of the person to whom the juvenile was released.

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, by the parent, managing conservator, guardian, caretaker or custodian who is entitled to possession of the child.

3. Upon personal knowledge of facts which 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 and 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.

B. Emergency Treatment For Juveniles

1. In the absence of the responsible parent or guardian, police officers are expected to immediately take 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.

C. Procedures To Take Custody Of The Juvenile

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 expedient manner:

    a. The officer takes custody of the juvenile either in person or 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. Parent's name and address if available,

        iii. What hospital the juvenile has been taken,

        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 is available to 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.

D. Persons Who May Consent To Medical Treatment:

The Texas Family Code allows any of the following persons to consent to medical, dental, psychological, and 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 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, or

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 juveniles the procedures that will relate to their case. The officer or Detective may, using discretion, allow other persons to be present during the interview. An attorney representing the child is allowed if requested.

3. The interview of a juvenile is completed within a reasonable time or terminated if the juvenile requests the interview be terminated.

B. Written Confessions/Statements:

Officers will follow the procedure outlined below while taking written statements/confessions from juveniles:

1. Written confessions are taken in compliance with the Texas Family Code.

2. A magistrate, outside the presence of law enforcement officers, first warns the juvenile.

3. An officer then takes the typed or handwritten statement, but leaves the statement unsigned.

4. The officer then returns the juvenile and the statement to the magistrate.

5. The magistrate will review the statement with the juvenile outside the presence of law enforcement officers.

6. 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. All juveniles placed in custody for cases classified as class "B" misdemeanor or higher are fingerprinted and photographed. These records are maintained at the County Juvenile Detention Center and also in the State files.

4. If latent fingerprints are found during the investigation of a case and the law enforcement officer has probable cause to believe that the fingerprints are those of a particular child, unless otherwise prohibited by law, the officer may fingerprint the child regardless of the age or case for purpose of immediate comparison with the latent fingerprints.

5. Disposition of Fingerprints Taken: If 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 taken are destroyed immediately.

D. Required Notification of Schools

1. Officers that arrests or takes into custody an individual that, because of age, may be enrolled in a primary or secondary school, as provided by Chapter 52, Family Code shall;

    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 mentioned above, 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 of the 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 of 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 intake, detention, prosecution and case disposition, including probation or commitment, of a juvenile. The 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 Fredericksburg 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 on 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. Records that do not qualify for JJIS entry are to be destroyed.

2. Family Code requires local law enforcement records and files concerning a juvenile to be kept separate from adult files and records and prohibits these files and records from being sent to a central state or federal depository except as specified in the 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. 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. **Fingerprints and Photographs.** The Family Code prohibits taking photographs or fingerprints of a juvenile without the consent of the Juvenile Court or 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 this General Orders will be utilized.

6. **Release of Information** on juvenile offenders may only be made pursuant to:

   - A written request under the Texas Public Information Act, Government Code Chapter 552 to the Police Department as approved by the Bastrop ISD Public Information Officer or Municipal Court (for fine-only offenses handled there);

   - 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.

   - Code of Criminal Procedures Article 15.27 notice to schools of specified offenses committed by students. These notices will be made by assigned officers.

	Subject: Use of Force	Issue Date: 11/30/2015
	Chapter: 11	Revision Date: 06/01/2020
	Policy: 11.1 Reference: TBP: 3.01, TBP: 3.02, TBP: 3.04, TBP: 3.06, TBP: 6.01, TBP: 6.02, TBP: 6.03, TBP: 6.06, TBP: 6.07, TBP: 6.08, TBP: 6.09, TBP: 6.10	Total Pages: 6 Chief Bunch's signature:

Use of Force

I. POLICY

This department values the protection and 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 only use that force which a reasonably prudent officer could 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 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. This policy does not 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. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

C. Objectively Reasonable

1. This term means that, in determining the necessity for force and the appropriate level of force, 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.

2. In evaluating the reasonable application of force, officers may consider their own age, size, strength and 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. (TBP: 6.01)

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 lawfully restrain or subdue a resistant individual.

   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. (TBP: 6.02)

2. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others. 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. (TBP: 6.09)

2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.

3. Because of the low probability of penetrating a vehicle with a handgun, officers threatened by an oncoming vehicle should 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 where the animal is seriously injured, when 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.

V. LIMITATIONS ON FORCE

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

A. Application of choke hold or carotid control holds, except when officers reasonably believe such holds are the only means of protecting themselves 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. Officers may use a flashlight or other object designed for a use other than as a weapon only to defend themselves or another person 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, 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. (TBP: 3.01, 3.02)

C. All officers shall receive training in the department's Use of Force policy at least annually. (TBP: 3.02)

D. All officers shall receive hands-on arrest and defensive tactics training at least every two years. (TBP: 3.06)

E. Officers shall receive training in all non-lethal weapons issued or used by the department and demonstrate proficiency with those weapons at least every two years. (TBP: 3.04)

F. All Use of Force training shall, at a minimum, comply with the standards established by TCOLE.

VII. REPORTING USE OF FORCE (TBP: 6.03, 6.06)

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, chemical weapons, or pointed or discharged any firearm, they shall first provide for appropriate medical aid for the subject (TBP: 6.07) and then:

1. Immediately notify the on-duty supervisor or the Chief of Police (if the on-duty supervisor is unavailable) of any use of force or discharge of a weapon. The supervisor or 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 Chief of Police 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. DEPARTMENTAL REVIEW

A. Review

1. The officer's supervisors and the Chief of Police shall review all reported uses of force to determine whether:

    a. Departmental orders were violated.

    b. Relevant departmental policy was clearly understandable and effective to cover the situation.

    c. Departmental training was adequate.

    d. Departmental equipment operated properly.

2. At least annually, the Chief of Police shall conduct an analysis of use-of force incidents to be made available to the public and to determine if additional training, equipment or policy modifications may be necessary. (TBP: 6.10.)

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 members of the department. An internal investigation may be conducted on other uses 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 in any firearms discharge or 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 9.4.

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 or vehicle accident, shall be removed from line-duty assignment. This action protects both the officer's and the

community's interest until the situation is resolved. This re-assignment is not considered punitive in nature. (TBP: 6.08)

	Subject: Conducted Electrical Weapons	Issue Date: 11/30/2015
	Chapter: 11	Revision Date: 06/01/2020
	Policy: 11.2	Total Pages: 7 Chief Bunch's signature:

Conducted Electrical Weapons

I. POLICY

It is the policy of this agency to use only that level of force that reasonably appears necessary to control or otherwise subdue violent or potentially violent individuals. Conducted Electrical Weapons, such as Tasers or Stun guns are authorized for use by the Bastrop ISD Police Department.

II. *PURPOSE AND SCOPE*

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

1. PHILOSOPHY
   The use of a TASER Device upon a subject by an officer shall only occur when the officer, while in the performance of lawful duties, has an objectively reasonable belief that it is necessary to gain control of the subject.

III. *GENERAL POLICY*

Personnel who have completed department approved training may utilize any Department provided TASER Device during their assignments. Officers shall only use the TASER Device and cartridges that have been issued by the Department. If an officer is issued a TASER®, the device must be carried as a part of a uniformed officer's equipment in an approved holster.

1. When the TASER Device is carried as a part of a uniformed officer's equipment, the TASER Device shall be carried on the side opposite from the duty weapon.

2. Whenever practicable, officers should carry a total of two or more TASER Device cartridges on their persons while carrying a TASER Device.

IV. *VERBAL WARNINGS*

A verbal announcement of the intended use of the TASER Device should precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

1. The purpose of the warning is for the following:

   .01 - Provide the individual with a reasonable opportunity to voluntarily comply.

   .02 - Provide other officers and individuals with warning that a TASER Device may be deployed.

2. The aiming laser should never be intentionally directed into the eyes of another.

3. The fact that a verbal and/or other warning was given, or the reasons it was not given, shall be documented in any related reports, as well as any responses by the subject.

4. When given, the verbal warning should be "TASER, TASER," to prevent any confusion as to which weapon system is being deployed.

V. *USE OF THE TASER DEVICE*

As with any law enforcement equipment, the TASER Device has limitations and restrictions requiring consideration before its use. The TASER Device should only be used when its operator can safely approach the subject within the operational range of the TASER Device. Although the TASER Device is generally effective in controlling most individuals, officers should be alert to the potential for failure and be prepared with other options.

1. Generally, an assisting officer should be present with lethal cover in the event the TASER Device is ineffective or defective and the subject initiates a potentially life threatening confrontation.

2. Officers should never hold both a firearm and the TASER device at the same time.

VI. APPLICATION OF THE TASER DEVICE

Authorized personnel may use the TASER Device when circumstances known to the officer at the time indicate that such application is objectively reasonable to control a subject in any of the following circumstances:

1. Apprehend a subject fleeing lawful arrest or detention.

2. A violent or physically resisting subject.

3. There is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

4. Subjects who by words or action have demonstrated an intention to be violent or to physically resist and who reasonably appear to present the potential to harm officers, themselves, or others.

VII. PROHIBITED USES

The following are prohibited uses of the TASER Device:

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

2. Horseplay or practical jokes.

3. Demonstrations, without the permission of a supervisor.

4. Against passively resisting subjects.

5. Individuals who are covered in, or in close proximity to, any combustible material.

VIII. SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER Device should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the TASER Device.

1. Obviously pregnant females.

2. Elderly individuals or obvious juveniles.

3. Individuals who are handcuffed or otherwise restrained and under control.

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

5. Because the application of the TASER Device in the drive-stun mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised. The application in drive-stun mode should be limited to brief applications in which pain compliance would reasonably appear necessary to achieve control.

IX. TARGETING CONSIDERATIONS

While manufacturers generally recommend that reasonable efforts should be made to target lower center mass and to avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the TASER Device darts to a precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest, or groin until the subject is released to the care of paramedics or other medical personnel.

X. MULTIPLE APPLICATIONS OF THE TASER DEVICE

Only one officer shall deploy a TASER Device on an individual unless it is obvious the deployment was not effective.

1. If the first application of the TASER Device appears to be in gaining control of an individual and if circumstances allow, the officer should consider the following before additional application of the TASER Device:

   .01 Whether the probes or darts are making proper contact.

   .02 Whether the application of the TASER Device is interfering with the ability of the Individual to comply.

   .03 Whether other options or tactics may be more effective.

   .04 This does not preclude an officer from multiple, reasonable applications of the TASER Device on an individual.

XI. REPORT OF USE

All TASER Device discharges shall be documented in the related incident report/supplements and notification made to a supervisor.

1. Specific information on the use of a TASER Device should include, but is not limited to, the following:

    .01 Articulable reasons for the use of the TASER Device.

    .02 Information on the type of individual who was subject to the TASER Device (e.g., age, sex, health conditions).

    .03 any special circumstances surrounding the use of the TASER Device (e.g., handcuffed prisoner).

    .04 Whether one or both of the TASER Device darts penetrated a subject's clothing and/ or skin.

    .05 How many applications/cycles of the TASER Device were used.

    .06 Whether the TASER Device application was successful.

    .07 How many cartridges were used.

    .08 Serial numbers of any used cartridge(s).

    .09 Whether multiple officers used the TASER Device.

    .10 Any pain compliance use of the TASER Device (e.g., drive stun).

2. Photographs of probe sites should be taken, Anti-Felon Identification (AFID) tags should be collected and the expended cartridge(s) along with all probes shall be submitted into evidence for future reference along with the TASER Device itself. The cartridges serial numbers should be noted and documented on the evidence paperwork as well as the TASER number. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

3. The on-board TASER Device memory will be downloaded through the data port by a Taser control manager and saved with the related incident reports and then the TASER can be released into service.

XII. MEDICAL TREATMENT

Subjects, who have received an electrical charge from the TASER Device or probes shall be treated as follows:

1. Once the subject is safely secured and in custody, if possible a non-deployment officer shall remove the probes in the manner specified by Axon, clean the probe contact points on the skin with alcohol and apply a band aid if needed.

2. Once the subject is safely secure immediately contact EMS to have an on-scene evaluation of the subject.

3. Individuals suspected of being under the influence of drugs/alcohol or exhibiting symptoms of excited delirium (e.g., nudity, profuse sweating, irrational behavior) may be more susceptible to collateral problems and should be closely monitored following the application of the TASER Device until they can be examined by paramedics or other medical personnel.

4. Should a probe enter the groin, buttocks, female breast or any area in the neck or above, notify EMS that the subject has received an electrical charge from the TASER and relay the probe location to EMS.

5. Only medical personnel may remove or direct to be removed, any TASER, probes that are embedded in areas such as those listed above.

6. The on-scene supervisor shall allow medical personnel to determine if the subject should be transported to the hospital if a probe has entered one of the aforementioned areas.

7. Once the probes have been removed, the subject may be transported to jail.

8. If the subject is transported to the ER/Hospital, the subject will be taken to jail after being medically released.

XIII. TRAINING

In addition to the initial department-approved training required to carry and use a TASER Device, all employees carrying a TASER Device shall demonstrate proficiency annually or in accordance with the manufacturer's training requirements.

XIV. TASER CONTROL MANAGER

1. The TASER Control Manager shall receive, inspect and ensures the maintenance and replacement of the Department's TASER devices and related equipment.

2. Establish and maintain systems to record issuance of equipment.

3. Return defective or damaged TASERs and air cartridges to the suppliers

4. Obtain service and/or replacement for any defective or damaged TASER components from the supplier.

5. Document reported uses of a TASER by Department personnel and establish a system for maintaining statistics on TASER use. A trained TASER armorer or Instructor, so authorized by the TASER Control Manager, may also perform this function, to include completion and sending of the TASER Incident report form to TASER International.

6. Ensure Basic certification and yearly re-certification training on the TASER is provided as needed, as well as maintaining a record of the training.

7. All other duties as may become necessary for the employment, maintenance and enhancement of the Department's TASER program

	Subject: Chemical Munitions and Delivery Devices	Issue Date: 11/30/2015
	Chapter: 11	Revision Date: 06/01/2020
	Policy: 11.3	Total Pages: 5 Chief Bunch's signature:

Chemical Munitions and Delivery Devices

I. POLICY

It is the policy of this agency to use only that level of force that reasonably appears necessary to control or otherwise subdue violent or potentially violent individuals. Chemical munitions may be used by authorized and trained personnel in accordance with this use of force policy and additional guidelines established herein.

II. PURPOSE

The purpose of this policy is to establish guidelines for the use of chemical agents and munitions to effectively deal with any suspects that pose a threat to citizens, hostages or officers and are believed to be armed and/or violent.

III. DEFINITIONS

A. Barricaded Suspect(s): A person(s) who use any shelter, conveyance, structure or building as a barrier against law enforcement and refuses to exit and submit to custody or arrest. A person(s) who is known or believed to be armed and/or violent and are in a position of hiding and refuses to submit to custody or arrest.

B. Chemical Agents:

1. Ortho Chlorobenzalmalononitrile, CS

2. Chloro-Aceto-Phenone, CN

3. Oleoresin Capsicum, OC

4. Smoke

a. SAF-Smoke

b. Hexachlorethane, HC

C. Less Lethal Force: A concept of planning and use of force application, which meets objectives with less potential for causing death or serious bodily injury than conventional police tactics.

IV. PROCEDURES

A. Because of the specialized nature of these devices only department personnel who have successfully completed the approved training course shall be certified/authorized to deploy Chemical Munitions.

B. The use of Chemical Munitions is a decisive action that can assist in achieving the protection of life and property or the restoration of order. These munitions should be considered whenever the use of such options would assist in enabling arrest, restoring order, or reducing the risk of more serious injury.

C. Authorized Munitions and Delivery Devices: Officers have the option of utilizing a variety of Chemical Munitions and Chemical Munitions delivery devices. Generally these include, but are not limited to the following.

1. Munitions

a. Defense Technology 12 gauge chemical rounds.

b. Defense Technology 37/40mm chemical rounds.

c. OC, CS, CN, HC or SAF-Smoke expelled by pyrotechnic, expulsion or blast dispersion.

2. Delivery Devices

a. Department issued shotgun that has been clearly marked as less lethal use only.

b. Defense Technology 40mm launcher.

c. Fogger

D. Deployment Procedures.

1. During deployment of Chemical Munitions the deploying officer should have deadly force back-up.

2. To be used as guidelines only when deploying chemical munitions.

   a. As soon as possible, a communications effort should be made directing the suspect to exit the location and submit to arrest or custody.

   b. An evacuation of citizens from the affected area should be accomplished, if practicable, to prevent contamination of uninvolved persons.

   c. If practicable, only one officer shall deploy chemical agents into a structure. In the event that there is a need for multiple deployments into a structure (large building or large opened area) this act should be coordinated through one officer.

   d. If pyrotechnic devices are being used, the fire department shall be notified and requested to stand-by near the scene of the incident, if practicable. At a minimum one member of the department will have a fire extinguisher ready.

   e. When practicable, prior to deployment of chemical munitions, notification to police personnel present to avoid exposing unprotected personnel and citizens.

   f. Some situations may necessitate the immediate use of Chemical Munitions. Therefore Chemical Munitions may be deployed when immediately necessary without the approval of the Chief of Police or the Chief's designee. If the situation does not necessitate immediate use, the officer is required to obtain approval of the Chief of Police or the Chief's designee.

3. Volume of Chemical Agents to be used.

   a. Only the amount of chemical agent that is reasonable shall be used. The deploying officer shall allow adequate time between deployments for the applied agent to take effect.

b. The amount of chemical agents deployed should be predicated by

(1) Seriousness of the offense

(2) Threat to police, victims, hostages or bystanders by the suspect

(3) The location and size of the structure

(4) Elements (wind, rain, snow etc.)

(5) Type of munitions to be deployed (OC, CS, CN, HC or SAF-Smoke)

(6) The potential for injury to persons inside the location such as hostages and victims. Special precautions should be taken if any of the hostages or victims are elderly or under the age of twelve

(7) Reaction of the suspect to the chemical munitions deployed

4. Deployment locations and trajectory of munitions

a. Munitions should be fired using trajectory to minimize injury to subjects inside the location

b. When practicable, the munitions should be deployed through the upper corners of the windows in conjunction with an upward trajectory

c. Chemical munitions projectiles shall not be direct fired at the suspect(s)

d. Verbal directions to the suspect should be given after the deployment of chemical munitions: i.e. Exit the building, Hands up, etc.

E. An individual who is successfully engaged with chemical munitions will be initially treated and evaluated by police personnel. If medical attention is required the subject will be transported to the hospital to be treated and evaluated by a doctor. The injuries of the subject will be documented and

photographed by police personnel. All spent casings and munitions shall be collected and tagged as evidence for future use.

F. The deployment of chemical munitions against a subject constitutes the use of force, and shall be documented in compliance with this department's use of force policy. The report should include

1. Type of chemical munitions used

2. Number of chemical munitions used

3. Names of police personnel who dispersed the chemical munitions

4. Any injuries to subject, bystanders or police personnel

5. Any medical treatment and after care provided for subject, bystanders or police personnel

	Subject: Specialty Impact Munitions	Issue Date: 11/30/2015
	Chapter: 11	Revision Date: 06/01/2020
	Policy: 11.4	Total Pages: 5 Chief Bunch's signature:

Specialty Impact Munitions

I. POLICY

It is the policy of this agency to use only that level of force that reasonably appears necessary to control or otherwise subdue violent or potentially violent individuals. Specialty Impact Munitions may be used by authorized and trained personnel in accordance with this use of force policy and additional guidelines established herein.

II. PURPOSE

The purpose of this policy is to establish guidelines for the use of Specialty Impact Munitions to effectively deal with any suspects that pose a threat to citizens, hostages or officers, and are believed to be armed and/or violent.

III. JUSTIFICATION FOR USE

To provide officers with an additional resource to assist in resolving violent situations with the minimal amount of force necessary to control the situation at hand.

IV. DEFINITIONS

A. Less Lethal Extended Range Kinetic Energy Impact Munitions: Munitions which can be fired, launched, hand deployed or otherwise propelled for the purpose of

1. Encouraging compliance

2. Overcoming resistance

3. Disabling

4. Preventing bodily harm

5. Controlling an individual(s) without creating significant potential for, nor the likelihood of death or serious bodily harm.

B. Flexible Projectiles / Bean Bags: Heavy cloth bags with lead shot sewn in that have the potential to conform to the shape of the target.

C. Non Flexible Projectiles / Baton Rounds: Rigid rubber, plastic or wood projectiles that do not conform to the shape of the target.

D. LLDO: Less lethal deployment officer.

E. Less Lethal Force: Concept of planning and use of force application, which meets objectives with less potential for causing death or serious bodily injury than conventional police tactics.

V. PROCEDURES

A. Because of the specialized nature of these devices only department personnel who have successfully completed the approved training course shall be certified/authorized to deploy Specialty Impact Munitions.

B. The use of Specialty Impact Munitions is a decisive action that can assist in achieving the protection of life, property or the restoration of order. These munitions should be considered whenever the use of such options would assist in enabling arrest, restoring order or reducing the risk of more serious injury.

C. Authorized Munitions and Delivery Devices: Officers have the option of utilizing a variety of Specialty Impact Munitions delivery devices. Generally these include, but are not limited to the following.

1. Munitions

a. Defense Technology 12 gauge Specialty Impact Munitions rounds.

b. Defense Technology 37/40mm Specialty Impact Munitions rounds.

c. Stinger Rubber Ball or any other item considered to be a Specialty Impact Munitions round that is expelled by pyrotechnic, expulsion or blast dispersion.

2. Delivery Devices

a. Department issued shotgun that has been clearly marked as less lethal use only.

b. Defense Technology 40mm launcher.

D. Deployment Procedures.

1. During deployment of Specialty Impact Munitions the deploying officer should have deadly force back-up.

2. To be used as guidelines only when deploying Specialty Impact Munitions.

a. As soon as possible, a communications effort should be made directing the suspect to comply with all orders and submit to arrest or custody.

b. If pyrotechnic devices are being used, the fire department shall be notified and requested to stand-by near the scene of the incident, if practicable. At a minimum one member of the department will have a fire extinguisher ready.

c. When practicable, prior to deployment of Specialty Impact Munitions, notification to police personnel present to avoid potential injury to unprotected personnel and citizens.

d. Some situations may necessitate the immediate use of Specialty Impact Munitions. Therefore Specialty Impact Munitions may be deployed when immediately necessary without the approval of the Chief of Police or the Chief's designee. If the situation does not necessitate immediate use, the officer is required to obtain approval of the Chief of Police or the Chief's designee.

3. Deployment Considerations

a. Distance is to be considered to have the desired outcome

(1) Energy Need: Is there sufficient energy for incapacitation or distraction?

(2) Accuracy: The fired round must be accurate through the optimum energy range.

b. The use of Specialty Impact Munitions should be predicated by

(1) Seriousness of the offense

(2) Threat to police, victims, hostages or bystanders by the suspect

(3) The location and size of the subject(s)

(4) Elements (wind, rain, snow, etc.)

(5) Type of Specialty Impact Munitions to be deployed based on given situation

(6) The potential for injury to persons inside the location such as hostages and victims. Special precautions should be taken if any of the hostages or victims are elderly or under the age of twelve

c. Verbal directions to the suspect should be given after the deployment of Specialty Impact Munitions: i.e. Exit the building, Hands up, etc.

E. An individual who is successfully engaged with chemical munitions will be initially treated and evaluated by police personnel. If medical attention is required the subject will be transported to the hospital to be treated and evaluated by a doctor. The injuries of the subject will be documented and photographed by police personnel. All spent casings and munitions shall be collected and tagged as evidence for future use.

F. The deployment of chemical munitions against a subject constitutes the use of force and shall be documented in compliance with this department's use of force policy. The report should include

1. Type of Specialty Impact Munitions used

2. Number of Specialty Impact Munitions used

3. Names of police personnel who deployed the Specialty Impact Munitions

4. Any injuries to subject, bystanders or police personnel

5. Any medical treatment and after care provided for subject, bystanders or police personnel

	Subject: Diversionary Devices	Issue Date: 11/30/2015
	Chapter: 11	Revision Date: 06/01/2020
	Policy: 11.5	Total Pages: 4 Chief Bunch's signature:

Diversionary Devices

I. POLICY

It is the policy of this agency to use only that level of force that reasonably appears necessary to control or otherwise subdue violent or potentially violent individuals. Diversionary Devices may be used by authorized and trained personnel in accordance with this use of force policy and additional guidelines established herein.

II. PURPOSE

The purpose of this policy is to establish guidelines for the use of Diversionary Devices to effectively deal with any suspects that pose a threat to citizens, hostages or officers and are believed to be armed and/or violent.

III. JUSTIFICATION FOR USE

To provide officers with an additional resource to assist in resolving violent situations with the minimal amount of force necessary to control the situation at hand.

IV. DEFINITIONS

A. NFDD: Noise/Flash Diversionary Device is a device which produces a loud report and a bright flash with the intent to disorient or divert/distract one's attention

B. NFDDDO: Noise/Flash Diversionary Device Deployment Officer

C. Coming Out Location: A safe location to deploy the device should the primary deployment location be determined unsafe.

D. Deployment Log: A written log kept by the Chief of Police or the Chief's designee that is used to track the use of NFDDs.

E. Remote Deployment Device: Painters pole or other similar device to assist in deployment of NFDD to allow exact placement in portals or facilitate in deployment above ground level.

V. PROCEDURES

A. Because of the specialized nature of these devices only department personnel who have successfully completed the approved training course shall be certified/authorized to deploy NFDDs.

B. Except in emergencies (for example, life threatening situations), NFDDs shall not be deployed without the prior authorization from the Chief of Police.

C. The use of NFDDs is a decisive action that can assist in achieving the protection of life and property or the restoration of order. These devices should be considered whenever the use of such options would assist in enabling arrest, restoring order, or reducing the risk of more serious injury.

D. Generally, NFDDs may be used whenever the use of a diversion would facilitate entry, enable arrest or potentially reduce the risk to officers. Circumstances justifying the use of NFDDs shall include but are not limited to

1. Barricaded suspects and/or hostages

2. High risk warrant service

3. Circumstances wherein distraction of violent, mentally deranged persons or those under the influence of alcohol/drugs is believed necessary in order to facilitate apprehension.

4. Situations wherein the authorizing person deems the use of NFDDs necessary to safely resolve an incident.

E. Deployment Procedures.

1. During deployment of Diversionary Devices the deploying officer should have deadly force back-up.

2. NFDDDO must wear the following safety equipment

a. Full eye coverage or department issued chemical agent

mask

b. Nomex gloves

c. Ballistic vest

3. When utilized during a high risk warrant or entry the deployment of NFDD will be marked on the operational plan including

a. Identification of NFDDDO/s

b. Location of deployment to include pre-determined coming out location

c. Use of remote deployment devices

4. Prior to deploying the NFDD, available intelligence information and circumstances (for example, the presence of children, elderly or infirm persons, etc.) shall be considered.

5. The use of a NFDD shall be limited to an area visible to the NFDDDO prior to deployment. The only exception to this is an operation in which the risk of visual inspection clearly outweighs the potential danger of a blind deployment. The authority of a blind deployment requires prior approval by the Chief of Police, outside of emergency circumstances.

6. Upon determining that a NFDD will be used inside of an objective, the pre-operation briefing will include a designated coming out location(s).

7. Due to the potential of ignition of flammable materials, a fire extinguisher will be readily accessible whenever NFDD's are to be deployed. When practicable, the fire department will be notified prior to the deployment of the NFDD.

8. The deployment of a NFDD shall be documented in a written report and the deployment log. The NFDDDO name, use of remote deployment devices and location of deployment shall be included.

F. If a NFDD fails to initiate then the NFDDDO is to follow Render Safe Procedures

G. The deployment of NFDD against a subject constitutes the use of force, and shall be documented in compliance with this department's use of force policy. The report should include:

1. Type of NFDD used

2. Number of NFDD used

3. Names of police personnel who deployed NFDD

4. Any injuries to subject, bystanders or police personnel

5. Any medical treatment and after care provided for the subject, bystanders or police personnel.

	Subject: Implementation and Use of Patrol Rifle	Issue Date: 11/30/2015
	Chapter: 11	Revision Date: 06/01/2020
	Policy: 11.6	Total Pages: 4 Chief Bunch's signature:

Implementations and Use of Patrol Rifle

I. POLICY

The Bastrop ISD Police Department has authorized the deployment of rifles and ammunition to specially trained officers and supervisors. The deployment of these officers is to minimize the risk of death or serious bodily injury to officers as well as members of the community. The rifles are a tool to allow the potential resolution of these incidents by providing a tactical advantage not available with more conventional firearms.

II. PURPOSE

To provide guidelines for the deployment and use of rifles by approved officers. The policy will provide guidelines on the qualifications required for carrying, deploying and using the rifle in the performance of police duties.

There may be situations that require specialized weapons in order to allow officers the ability to contain, control and resolve situations.

III. DEFINITIONS

A. Patrol Rifle: For the purposes of this policy, the Bastrop ISD Police Department issued patrol rifle is the Sig Sauer M400 – a semi-automatic rifle in .223 caliber with 11.5 inch barrel and one 30 round capacity magazine or the Sig Sauer MPX - a semi-automatic short barrel rifle in 9mm caliber with 4.5 inch barrel and one 30 round capacity magazine. No modifications will be permitted without prior written approval by the Chief of Police.

1. The rifle will be equipped with a two-point sling where the weapon may be retained "hands free" yet ready for immediate use.

2. The rifle must have either fixed or flip-up iron sights.

3. The rifle will have an optical lighting device *i.e.:* Sig Sauer Romeo 4T Red Dot sights.

IV. PROCEDURES

A. Deployment of Patrol Rifles

1. Patrol Rifles shall be deployed only in situations that the officer reasonably believes that the tactical advantage afforded by the rifle may be necessary.

2. This policy does not seek to articulate the only situations where patrol rifle deployment is appropriate. The on-scene judgment of the officer or the highest-ranking on-scene supervisor is the first indicator of appropriate deployment.

3. The patrol rifle may be deployed in, but is not limited to, the following situations:

   a. The officer believes a suspect the officer may encounter is wearing protective body armor or,

   b. Is believed to be armed with or has immediate access to high powered or shoulder fired weapons or,

   c. Is believed to be armed and situated in a distant or fortified location which affords the suspect a tactically superior position or,

   d. Other situations where approval for deployment of patrol rifles is authorized by the highest ranking supervisor on scene.

   e. The officer is engaged in activities or situations that have a high probability that the suspect(s) may be armed and dangerous such as bank robberies, high-risk felony stops, or calls for service involving weapons.

4. All deployment or use of the patrol rifle will be consistent with the Department's Use of-Force Policy.

B. Departmental Guidelines for Patrol Deployment

1. The patrol rifle is issued by the Chief of Police to individual officers and supervisors who have been trained in its use and deployment. Theses rifles are issued in protective cases with up to 120 rounds of department approved and issued ammunition.

    a. All rifles shall be stored in either the trunk, in a case, of the officers patrol vehicle, in a Department approved and purchased locking rifle rack inside the cab of the patrol vehicle or within a Department approved and purchased weapon locker located in the law enforcement office of the campus that the officer is assigned.

    b. Officers are responsible for the safe and secure storage of their issued patrol rifle.

    c. Rifles will be removed from patrol cars by the officer and stored securely in the police facility or in the officer's residence before delivering cars for any type of service.

2. Physical readiness of the rifle.

    a. The patrol rifle shall be stored as this policy mandates and always with a magazine inserted in the rifle, chamber closed and empty with the safety activated.

    b. The patrol rifle should be inspected frequently and adequately maintained. An armorer's inspection of the rifle and its magazines shall occur at a minimum of twice per year.

3. Qualification and Training

    a. Officers shall qualify, in accordance with Department and TCOLE standards, with the rifle a minimum of once per year.

    b. During qualification, failure to fire a passing score will result in a second attempt. Failure to fire a passing score at that time will result in the officer being suspended from the rifle program for a period of not less than three (3) months. At the end of that three month suspension from the program the officer will be required to qualify before the rifle may be re-issued to the officer.

c. Patrol rifle training shall consist of 16 hours for every calendar year for all officers and supervisors.

	Subject: Firearms and Qualifications	Issue Date: 11/30/2015
	Chapter: 11	Revision Date: 05/01/2020
	Policy: 11.7 Reference: TBP: 3.01, 3.02, 3.03, 6.04	Total Pages: 7

Firearms and Qualifications

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 those used or carried both on and off-duty.

II. PURPOSE

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 another 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)

Only weapons issued by the department or approved by the Chief of Police will be carried or used while on-duty. The department currently issues the Glock 22, in 40 caliber as the standard duty firearm for officers.

1. The departmental armorer or firearms instructor shall issue departmental weapons to authorized personnel.

2. 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 fully loaded with approved ammunition, chamber empty, trigger released and safety on.

2. A minimum of 5 extra rounds of approved ammunition shall be carried with each shotgun.

3. All shotguns left at the police department shall be left in an unloaded condition, with the chamber open and stored in a gun vault or other designated location.

D. Patrol Rifles

Patrol rifles, e.g. AR-15, may be issued or used by officers and supervisors who have received appropriate training and have maintained their required qualifications. The department shall issue, to those officers who qualify, a SigM400 Patrol Rifle. These rifles will be stored in a safe in the officer's office.

The officers may carry their own rifle, e.g. AR-15, in their patrol vehicles. The rifle must be approved and inspected by the range master and the officer must successfully qualify with the rifle. The rifle will then be secured either in the trunk or a locked rifle mount in the vehicle.

The department will issue, for special events (graduation, dances, large gatherings, or special meetings), a Sig MPX 9mm that will be carried in a backpack that will stay on the officer's person at all times. Officers assigned to carry this weapon will pass a rifle qualification course and train in the use and deployment.

E. Off-duty or secondary weapons

1. Off-duty 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 manufactured by Colt, Smith and Wesson, Glock, Sig Sauer, Beretta, Ruger, H&K(Heckler & Koch) or American Standard are permitted.

    a. Officers shall qualify with the off-duty or secondary weapon 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 holsters and weapons used by each officer.

2. Officers may carry, while off duty, either an issued weapon or one purchased at officers' expense, subject to this policy.

3. Officers should not carry weapons when socially inappropriate or when consuming alcoholic beverages.

4. Off-duty weapons shall be carried safely and concealed from public view.

5. Officers shall carry the departmental badge and identification if carrying an off-duty weapon.

F. Departmental Ammunition (TBP: 6.04)

1. Only factory ammunition manufactured by Winchester, Federal or Speer will be used in departmental or personal weapons for on 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. Officers are responsible for the purchase of ammunition for their off-duty weapon.

2. Only Remington, Winchester or Federal factory 00 Buck and slug rounds will be used in departmental shotguns.

3. Only Speer Gold DOT .223 75 grain or Hornady Tap .223, 55gram polymer tipped 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 or off duty. Officers shall report any weapon malfunction to the Chief of Police via the armorer.

2. 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

The Chief of Police shall appoint at least one sworn member of the department to be the departmental Firearms Proficiency Officer and armorer.

1. 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 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 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.

2. The armorer shall maintain a record of all firearms which have been certified as safe and with which officers have qualified. This record shall include the following:

   a. Officer's name and identification number.

   b. Make and model of weapon.

   c. Serial number of weapons.

3. The armorer shall be a firearms instructor certified by the Texas Commission on Law Enforcement (TCOLE).

I. Modification of weapons

1. Departmental weapons shall not be modified or altered without written approval of the Chief of Police except as outlined. All modifications or service will be conducted by a trained armorer. The armorer must be trained and qualified to service the make and model of each firearm.

2. 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 which interfere with the operation of the weapon are not authorized.

3. Modification of privately-owned weapons designated by officers as duty weapons.

   a. Substitution of grips as outlined in 2.b above is authorized.

   b. Trigger shoes are prohibited.

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. Supervisors shall also inspect subordinate officers' issued firearms monthly 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 - QUALIFICATION

A. Qualification rules

1. Officers must qualify with any weapon they carry or use on-duty at least annually or when they change weapons. (TBP: 3.01)

2. The firearms instructor or armorer shall be in charge at all times when officers are on the firing range for qualification.

3. Only weapons and ammunition issued by the department shall be used during qualifications, except for officers who qualify with off-duty weapons.

4. Every officer shall fire the regular firearms course approved by the Texas Commission on Law Enforcement (TCOLE).

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 armorer will maintain records of each officer's firearms qualifications including:

    a. The officer's name and Personal Identification Number (PID)

    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 weapons are safe and (2) to ensure that weapons are properly maintained.

8. Officers will only be allowed to qualify with 3 pistols. Officers may qualify with 2 on duty weapons and 1 off duty weapon or 1 on duty weapon and 2 off duty weapons.

B. Shotgun

1. Every officer must pass the shotgun qualification course before carrying a department issued shotgun.

2. The qualification course shall include:

    a. Knowing how to load and unload the shotgun combat style.

    b. Firing at least 10 shots, some from different positions.

3. Officers shall qualify with the shotgun at least annually.

C. Patrol Rifle

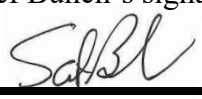
Officers who are trained and authorized to use the patrol rifles must qualify at least annually with the rifle on a TCOLE approved course of fire.

D. Firearms and Use of Force Instruction

1. All department personnel shall, if duties require carrying firearms, receive familiarization instruction on their firearms before range qualification.

2. At least annually, personnel shall, if duties require carrying of a firearm, receive training in the mechanics of the weapon (stripping, lubricating, nomenclature, troubleshooting and misfires), sound safety practices and departmental use of force policy. (TBP: 3.01)

3. 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)

	Subject: Non-Lethal and Less Lethal Weapons	Issue Date: 11/30/2015
	Chapter: 11	Revision Date: 06/01/2020
	Policy: 11.8 Reference: TBP: 3.04	Total Pages: 4 Chief Bunch's signature: 

Non-Lethal and Less Lethal Weapons

I. POLICY

In the interest of public safety, the department provides officers with a range of non-lethal and less-than-lethal options. The department's policy ensures that members are properly trained in the use of non-lethal and less-than-lethal weapons and those members 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 non-lethal and less-than-lethal weapons. Officers shall not carry or use any non-lethal or less-than-lethal weapon for which the officers have not received training and been qualified. Officers will only carry non-lethal and less-than-lethal weapons that have been approved by the department. (TBP: 3.04)

II. PURPOSE

To establish policy and procedures governing the issuance, training, care, maintenance, qualification and proper use of non-lethal and less-than-lethal weapons.

III. GENERAL PROCEDURES

A. Approved Weapons

1. Non-lethal and less-than-lethal weapons currently approved by the department include:

    a. OC pepper spray (Duty Issue)
    b. Taser X26

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. Any modification or alteration shall be in accordance with the manufacturer's recommendation and by a certified armorer for that particular weapon platform.

2. All non-lethal or less-than-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 the weapons 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 the officers 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 non-lethal and less-lethal weapons that they will carry. 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. Tactical considerations shall be a part of this training.

2. Officers will receive training and demonstrate proficiency (qualify) at least annually on all departmental non-lethal or less lethal weapons systems. Failure to qualify with a non-lethal or less-than-lethal weapon will be cause for remedial training and qualification. The officer will not carry or utilize the non-qualifying weapon until properly trained and qualified. (TBP: 3.04)

3. Instructors for any non-lethal or 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 platform instructor shall be in charge at all times when officers are qualifying with non-lethal or less-than-lethal weapons.

2. The instructor will maintain records of each officer's qualifications with non-lethal and less-lethal weapons including:

a. The officer's name and Identification Number

b. The date of qualification and weapon system qualified.

V. NON-LETHAL SHOTGUN

A. Authorization

1. Less-lethal shotguns may be issued to members of the department who have been trained and demonstrated proficiency in the use of the weapon. These shotguns are identified by the Orange tape around the barrel and stock of the weapon. Care should be used in ensuring the appropriate weapon is selected for use.

2. The less-lethal shotgun may be loaded with any number of less-lethal munitions including bean bag rounds, rubber batons, chemical agents and rubber pellets. Officers must be qualified in the use of all munitions approved by the department in order to be qualified with the weapon.

3. Officers will not handle lethal shotgun ammunition around a less-lethal shotgun. Officers will load only less-lethal munitions into the less-lethal shotgun at the time of need to ensure the use of proper

munitions. Departmentally approved less-lethal munitions will be carried in the munitions carrier on the stock of the weapon.

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 and 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 the individual to a medical facility for examination.

6. All uses 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.

VI. CONDUCTED ELECTRICAL WEAPON

A. Conducted Electrical Weapon

1. A Conducted Electrical Weapon (CEW) is authorized for use by the Bastrop ISD Police Department.

POLICE BASTROP ISD UNITY HONOR INTEGRITY	Subject: De-escalation Techniques for Special Education and General Education Students	Issue Date: 11/30/2015
	Chapter: 11	Revision Date: 06/01/2020
	Policy: 11.9	Total Pages: 6 Chief Bunch's signature:

De-escalation Techniques for Special Education and General Education Students

I. POLICY

This department values the protection and 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 only use that force which a reasonably prudent officer could use under the same or similar circumstances. It is the policy of the Bastrop ISD Police Department to adhere to the general guidelines and de-escalation techniques implemented by BISD. 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 interrogation.

II. PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for the use of de-escalation techniques (SAMA) when dealing with special education and general education students.

III. DEFINITIONS

A. SAMA
Santori Method Academy

B. Serious Bodily Injury
Bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

C. Dangerous Weapon
Weapon, device, instrument, material, substance, animate or inanimate, that is used for or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.

IV. PROCEDURES

Student displays serious disruptive behavior which includes verbal/physical aggressions towards adults/peers. Witness makes sure other students are out of harm's way. Witness notifies Administration.

1. Administrator De-escalates student using BISD approved De-Escalation techniques (SAMA, CPI)

   a. Remove target of student's aggressive behavior. Peer, Teacher, Law Enforcement and etc.

   b. Provide reasonable amount of space and time for student to cool off. (Room Clears, Change Traffic Patterns, Remove Audience)

   c. Call for support: Administrator, Campus Monitor and/or other staff members trained in De-escalation techniques.

   d. Provide calm/clear directives and ample wait time for student to process directive(s). If you're confident the student heard the directive do NOT repeat the directive excessively.

   e. If student de-escalates but then shuts down, do NOT push student to respond to directives.

   f. Pay attention to body language and look for compliance in body movement absent of verbal confirmation of intent to comply with directives.

   g. Remember that the student will hear nothing you have to say until he/she is deescalated.

   h. Determine if student receives Special Education Services and CBS/SBC/BIP.

2. When a student displays serious disruptive behavior which includes verbal/physical aggression towards adults/peers, Administrator De-escalates student using BISD approved De-escalation techniques (SAMA, CPI):

3. Remove target of student's aggressive behavior, Peer, Teacher, Law Enforcement and etc.

4. Provide reasonable amount of space and time for student to cool off. (**Room Clears, Change Traffic Patterns, Remove Audience).**

5. Call for support: Administrator, Campus Monitor, and/or other staff members trained in De-escalation techniques.

6. Provide calm/clear directives and ample wait time for students to process directive(s). If you're confident the student heard the directive do NOT repeat the directive excessively.

7. If the student de-escalates but then shuts down, do NOT push student to respond to directives.

8. Pay attention to body language and look for compliance in body movement absent of verbal confirmation of intent to comply with directives.

9. Remember that the student will hear nothing you have to say until he/she de-escalated.

10. Determine if student receives Special Education Services and CBD/SBC/BIP.

V. SPECIAL EDUCATION/RTI BEHAVIOR SUPPORT

A. Access Campus Behavior Support (CBS) staff for de-escalation.

1. CBS Staff implores all of the above de-escalation techniques.

2. CBS staff escorts students to safe location for therapeutic support and de-escalation.

3. CBS staff processes incident with student.

B. Assignment of Consequences for Student who receives Campus Behavior Support.

1. Ensure Procedures IV, A(1), A(2), A(3), A(4)

2. Ensure Procedures V, A(1), A(2), and A(3) have been completed.

3. CBS staff prepares student for Due Process interview with administrator.

4. CBS staff and administrator work together to develop appropriate consequences for the student aligned with the student's BIP.

5. CBS staff supports student while Administrator is discussing consequences. Number of days of removal logged to consider change of placement/patterns of behavior/need for BIP or Manifestation Determination Review and ARD Meeting.

C. Involvement of Law Enforcement for Special Education Student

1. Exhaustion of strategies 1(a), 1(b), 1(c), 1(d), 1(e) and 1(f) and

2. Exhaustion of strategies 2(a), 2(b) and 2(c)

3. School administrators should not involve the SBLE, if doing so may escalate the student's behavior.

4. School administrators should not involve the SBLE, for behaviors related to a student's disability without consulting district behavior staff, LSSP and/or Sped Coordinator.

5. BISD administration and staff will arrange to keep students safe. If the student leaves campus, the parents should be notified immediately. Law Enforcement may be notified, if there are safety concerns based on student's age, where the student intends to go and community/traffic safety concerns. Student may need to be supervised by school staff or law enforcement until a parent/guardian arrives or student agrees to return to campus.

6. Any person (including SBLEs) MUST complete the Written Restraint Form for any student who is detained or taken into custody. Written Restraint form must be provided to parents within 24 hours and logged into PEIMS.

**Following any incident that involves Law Enforcement the Director of Special Education or designee will review actions with campus personnel using the above procedures.

VI. GENERAL EDUCATION

A. Assignment of Consequences for General Education student

1. Ensure processes 1(a), 1(b), 1(c), 1(d), 1(e), 1(f) and 1(h)

2. Campus Administration has discretion to assign disciplinary consequences in line with due process procedures.

B. Involvement of Law Enforcement

1. After the **exhaustion** of strategies 1(a), 1(b), 1(c), 1(d), 1(e) and 1(f)

school admin may access the school based law enforcement officer

2. School administrators should not involve the SBLE, if doing so may escalate the student's behavior. Penal Code Violations may be processed at a later time after the student is completely deescalated. Ticketable offenses could be processed the following day or through mail.

3. SBLE completes the Written Restraint Form for any student who is detained or taken into custody (provided to the parent within 24 hours logged into PEIMS)

4. The administrator is responsible for ensuring that the student's parents are notified when Law Enforcement is involved.

5. BISD administrations, Campus Monitors, School Based Law Enforcement Officers and staffs' first priority is for the safety of the students. If the student leaves campus, the parents should be notified immediately. Law Enforcement may be notified, if there are safety concerns based on student's age, where the student intends to go and community/traffic safety concerns. Student may need to be supervised by school staff or law enforcement until a parent/guardian arrives or student agrees to return to campus.

**Following any incident that involves Law Enforcement the Deputy Superintendent or designee will review actions with campus personnel using the above procedures.

VII. Law Enforcement Exception Involvement

1. Reports of serious bodily injury, drugs or weapons that threaten the safety of students and staff supersede school procedures for de-escalation. Whereas School Administration are the BISD Agents and serve as "in loco parentis" for students, local law enforcement assumes decision making control when serious threats arise.

   a. The term "serious bodily injury" means bodily injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

b. Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of federal law; or

c. The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

	Subject: Arrest and Detention	Issue Date: 11/30/2015
	Chapter: 12	Revision Date: 06/01/2020
	Policy: 12.1	Total Pages: 28 Chief Bunch's signature:

ARRESTS AND DETENTIONS

I. POLICY

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

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

II. PURPOSE

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

III. DEFINITIONS

A. Custodial Interrogations: Questioning initiated by law enforcement officers after persons have been taken into custody or otherwise deprived of their freedom of action in any significant way.

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

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

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

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

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

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

H. Warrant of Arrest: Texas Code of Criminal Procedure, Article 15.01. Warrant of arrest or warrant issued under federal law or a felony warrant from another state.

IV. NON-SEIZURE CONTACT

A. An officer may approach and converse with any individuals without reasonable suspicion or probable cause but may not physically or verbally detain the individuals or exercise any behavior which would lead reasonable persons to believe that they were not free to leave.

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

V. INVESTIGATIVE DETENTION

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

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

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

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

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

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

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

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

   a. suspects reasonably believe that they are in custody; ***and***

   b. the suspects are interviewed.

D. Show-Ups

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

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

   b. mental and emotional condition of the witness;

   c. accuracy of the witness description of the criminal.

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

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

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

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

VI. ARREST - GENERAL PROVISIONS

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

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

2. Upon confirmation of a valid warrant.

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

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

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

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

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

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

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

4. Enforce any traffic law.

D. Off-Duty and Out of Jurisdiction Arrests - Anytime an off-duty officer makes an arrest while outside the officer's jurisdiction, the officer shall immediately comply with Texas Code of Criminal Procedure, Article 14.03 (d) and, as soon as practical, notify the officer's immediate supervisor who will notify the Chief of Police via the chain of command. Any off-duty arrest that does not conform to this General Order shall be considered outside the course and scope of employment with Bastrop ISD.

VII. ARREST WITHOUT WARRANT

A. Authority - Refer to Texas Code of Criminal Procedure, Chapter 14. Arrest without Warrant. Refer to Texas Code of Criminal Procedure, Article 18.16. Preventing Consequences of Theft

B. Procedures

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

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

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

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

2. Arrest occurring in counties bordering Bastrop County: Refer to Texas Code of Criminal Procedure, Article 14.06. Must take offender before magistrate (Persons arrested should be brought to the Bastrop County Jail.)

3. Arrests occurring in a county not bordering Bastrop County: Refer to Texas Code of Criminal Procedure, Article 14.06. (Persons arrested must be taken before a magistrate in the county of arrest.)

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

D. Arrests for Class C Misdemeanors and Field Release

1. Generally:

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

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

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

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

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

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

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

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

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

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

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

   a. No more than three charges per citation.

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

c. If arrested and transported, the officer shall ***not*** have the actor sign the citation nor shall the officer give the actor a copy of the citation. If field released, the officer shall have the actor sign the citation and shall then give the actor a duplicate of the citation.

d. A case number shall be obtained and that number shall be written above the citation number on the face of the citation.

4. Procedures:

a. When a field release is conducted and the victim is someone other than the State of Texas, the officer shall instruct the victim to telephone the Municipal or Justice Court on the ***next*** business day in order to make an appointment to sign a complaint. The officer shall advise the victim that failure to do so will result in no charges being filed.

b. The officer shall write the case number on a field statement form and provide the form to the victim to be completed prior to reporting to the Municipal or Justice Court.

c. All citations written for Class C misdemeanors, other than traffic offenses, shall be attached to the incident or offense report and forwarded to Records. The Officer or appropriate division of the Department will ensure proper dissemination to the proper court.

d. If an actor has been arrested, it shall be the responsibility of the Municipal or Justice Court to report the disposition of the case to the Department of Public Safety. If an actor has been field released, it shall be the responsibility of the Municipal or Justice Court to report the disposition to the Department of Public Safety.

E. Arrests for offenses which carry a fine only penalty, typically traffic offenses or Class C misdemeanors, are governed by Chapter 3.1 Code of Conduct, Section V, subsection A, 12, dealing with Limitations of Authority.

VIII. ARREST WARRANTS

A. Determining Validity

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

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

B. Procedures

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

2. Warrants from other Texas jurisdictions

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

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

   a. Refer to Texas Code of Criminal Procedure. Chapter 51. Fugitives from Justice. An offense report entitled "Fugitive from Justice" shall be completed and a complaint shall be filed.

   b. Absent specific statutory authority, ***Officers shall not execute misdemeanor arrest warrants issued outside Texas.***

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

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

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

D. Jurisdiction for Service of Process

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

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

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

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

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

E. Execution of Arrest Warrants

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

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

   a. consent;

   b. fresh pursuit; or

   c. exigent circumstances.

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

4. Refer to Texas Code of Criminal Procedure, Article 15.25. Officers may break a door whenever they forcibly enter a premise to execute a felony arrest warrant. Upon doing so, the officers shall strive to inflict as little damage to the premises as possible.

F. Execution of local warrants by other departments

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

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

3. Pursuant to State law, warrants of arrest may be transmitted between agencies "by any method that ensures the transmission of a duplicate of the original warrant, including secure facsimile transmission or other secure electronic means…" Code of Criminal Procedure, Article 15.08

IX. UN-ARREST

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

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

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

X. DETENTION OF FOREIGN NATIONALS

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

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

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

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

• Subject to local laws and regulations regarding access to detained persons, consular officers have the right to visit their nationals who are in prison, custody, or detention, to converse and correspond with them and to arrange for their legal representation. A foreign consular officer should not take action on behalf of such a person if the person being held expressly opposes such action.

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

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

A. Complaint Procedures: The arresting officer shall be responsible for confirming that a criminal complaint has been completed and signed on all applicable charges against the arrestee. If a citizen is involved in signing the complaint, ***the citizen must meet the officer at the jail to sign the complaint unless a complaint is completed and notarized in the field.***

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

1. A prisoner shall be searched for weapons prior to arrival at the jail. Officers are cautioned to be mindful that contraband and/or

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

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

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

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

XII. TRANSPORTING OF NON-VIOLENT PRISONERS

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

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

C. In all instances the seat belt shall be latched.

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

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

XIII. TRANSPORTING OF VIOLENT PRISONERS

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

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

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

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

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

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

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

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

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

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

XIV. USE OF LEG IRONS AND HOBBLES

A. Leg irons and hobbles will be stored in the supervisor's vehicle so they are readily available for use.

B. Leg Irons and Hobbles

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

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

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

4. Once applied, will be double-locked.

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

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

XVI. INJURED OR HANDICAPPED PRISONERS - If a person requests medical attention due to an injury suffered before or during an arrest or due to a serious medical condition or if an arrested person reasonably appears to need immediate medical attention, the officer having custody of the person shall immediately secure such medical attention or release the person to the county jail and inform jail personnel of the request or apparent need for medical attention. All requests for medical attention or observations of apparent medical needs will be fully documented by the arresting officer along with all responsive action.

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

XVII. ENFORCEMENT ACTIONS WITH PRISONERS IN CUSTODY - Officers will not engage in enforcement actions while a prisoner is in custody unless emergency conditions which present an immediate and serious danger exist and require immediate enforcement action. In no circumstance will an officer engage in a pursuit while a prisoner is in the officer's custody.

XVIII. INTERVIEWS AND INTERROGATIONS

A. Definitions

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

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

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

B. Rights Admonition

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

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

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

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

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

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

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

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

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

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

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

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

4. Officers will take care when advising juveniles of their rights to ensure that the rights are understood before obtaining a waiver. Officers should honor a children's request to speak to a parent or guardian before waiving their rights.

C. The Fifth Amendment Right against Self-Incrimination

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

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

a. The suspect reasonably believes that the suspect is in custody; and

b. The suspect is interviewed and asked specific questions about a specific crime.

3. Voluntariness of confessions: The courts have provided officers with much latitude in interviewing suspects. If a suspect claims coercion into confessing, the courts will examine the interview according to the **totality of the circumstances**. If interview methods appear to overcome the suspect's will, then the courts will find any resulting confession to be involuntary. Officers must:

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

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

D. Exemptions/Special Cases

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

a. brief on-scene questioning;

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

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

d. brief investigative detention;

e. roadside questioning during routine traffic stops;

f. routine booking questions attendant to arrest; or

g. questioning by private persons.

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

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

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

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

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

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

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

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

E. Limitations on Police Authority by the Superintendent and Chief of Police - Limitations on police enforcement actions by BISD School Board, Superintendent or the Chief of Police include, but are not limited to:

1. parking violations; and

2. enforcement of traffic, Class C misdemeanor and local Ordinance violations.

F. Changes in Laws/Interpretational Limitations - Periodically, changes take place which may impose new limitations on police authority or remove or

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

XIX. CONSTITUTIONAL REQUIREMENTS: GENERAL

A. Compliance with Constitutional Requirements during Criminal Investigations

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

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

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

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

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

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

B. Constitutional Rights of Arrested Persons

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

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

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

C. Use of Discretion by Officers

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

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

D. Alternatives to Arrest/Pre-Arraignment Confinement

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

   a. Mentally or emotionally disturbed persons;

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

   c. Juvenile offenders;

   d. Transient persons who need shelter and food; or

   e. Certain misdemeanor cases.

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

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

   b. The use of summonses by officers: In determining whether a summons should be used, the officer should

(1) Consider whether the offense committed is serious.

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

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

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

4. Use of warnings as an alternative to arrest: The use of warnings may sometimes provide a satisfactory solution to a problem and may enhance the public perception of the department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer should consider:

a. The seriousness of the offense.

b. The likelihood that the violator will heed the warning.

c. The reputation of the violator, i.e., known repeat offender, has received previous warnings, etc.

5. Custodial arrests for Class C offenses:

a. Officers are authorized by applicable law, with certain statutory exceptions, to arrest persons for violations of class C offenses which carry a fine only penalty upon conviction. Officers will use good judgment and discretion in determining whether to arrest or issue a citation for such violations. As a rule, officers will issue citations for non-jail offenses unless the violator refuses to sign the promise to appear or other extraordinary circumstances are present.

b. The following factors must be considered and documented by the officer upon making an arrest for any offense which carries a fine only penalty upon conviction:

(1) Danger to others if the violator is released;

(2) Probability that the violator will or will not appear for court;

(3) Whether the violator a repeat offender;

(4) Other charges or aggravating factors; or

(5) Whether enforcement goals may be equally achieved with a citation rather than with a custodial arrest.

c. All arrests for offenses which carry a fine only penalty shall be approved in advance, or as soon as possible, by a supervisor.

XX. RACIAL PROFILING PROHIBITED

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

1. to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion;

2. to provide guidelines for officers to prevent such occurrences;

3. and to protect our officers from unwarranted accusations of misconduct when the officers act within the dictates of departmental policy and the law.

B. Policy: It is the policy of this department to police in a proactive manner and, to aggressively investigate suspected violations of law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United Stated and Texas constitutions are equal protection under the law and freedom form unreasonable searches and

seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and / or information received about the person.

C. Discussion: A fundamental right guaranteed by the Constitution of the United Stated to all who live in this nation is to equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. Citizens also are entitled to be free from crime and from the depredations of criminals and drive and walk our public ways safe from the actions of reckless and careless drivers.

This law enforcement agency is charged with protecting these rights, for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system.

Because of the nature of their business, law enforcement officers are required to be observant, to identify unusual occurrences and law violations and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon and that detects and apprehends criminals.

This policy is intended to assist law enforcement in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter the police.

D. Definitions:

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

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

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

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

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

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

7. Reasonable Suspicion: also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with the officer's training and experience and/or reliable information received from credible outside sources. Motorists and pedestrians shall only be subjected to stop, seizures, or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction. Each time a motorist or pedestrian is stopped, the officer shall radio to the dispatcher the location of the stop.

E. Prohibition - Officers of the Bastrop ISD Police Department are strictly prohibited from the use of racial profiling in the course of their duties.

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

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

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

3. Except as provided below, officers of the Bastrop ISD Police Department 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 nonconsensual encounters that do not amount to legal detentions or to request consent to search.

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

5. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin are racial profiling. Examples of racial profiling include but are not limited to the following:

    a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity or national origin.

    b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.

c. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

d. A law enforcement agency can derive at two principles: Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search:

a Police may use race in conjunction with other known factors of the suspect;

b Racial profiling is not relevant as it pertains to witnesses, etc.

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

1. Corrective Action: Any peace officer who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action, which may include reprimand; diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension; termination of employment, or other appropriate action as determined by the Chief of Police.

G. Patrol and Field Operation Procedures

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

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

b. An officer may deactivate the audio portion of the MVR equipment during private conversations among officers outside the presence of the public or suspects.

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

a. The race or ethnicity of the individual detained;

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

c. If contraband is recovered.

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

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

H. Administrative Reporting

1. During January of each year the Chief of Police or the Chief's designee will prepare an annual report reflecting an analysis of citizen detentions and including the data and analyses required by applicable law.

2. The Chief of Police will provide a copy of the annual report to the Superintendent and BISD School Board at the beginning of each calendar year but no later than March 1st of each year.

	Subject: Field Interviews and Detentions	Issue Date: 11/30/2015
	Chapter: 12	Revision Date: 06/01/2020
	Policy: 12.2 Reference: TBP:7.07	Total Pages: 7 Chief Bunch's signature:

Field Interviews and Detentions

I. POLICY

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

To clearly establish the difference between a Field Interview and an Investigative Detention or Stop. To assist officers to determine when field interviews and frisks for weapons are necessary and useful, and to establish procedures for conducting both safely. (TBP: 7.07)

III. DEFINITIONS

A. Field interview (consensual encounter)

A brief interview of a person to determine the person's identity and gather information or to resolve the officer's suspicions about possible criminal activity or determine if the person has information about a criminal offense. Field interviews require voluntary cooperation of the subject. A field interview contrasts with a detention or stop which is based on reasonable suspicion of criminal behavior.

B. Frisk

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

C. Reasonable suspicion

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

D. Detention (Stop)

An involuntary detention of a subject 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. A stop is an investigative detention. The following characteristics may, under the circumstances, give rise to reasonable suspicion for a stop. 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 notice.

3. A person has exhibited furtive conduct such as fleeing from the presence of an officer or attempting to conceal an object from the officer's view.

4. The appearance, behavior, or actions of the suspect suggest that the suspect is committing a crime.

5. The time of day or night is inappropriate for the suspect's presence in a particular area.

6. The officer observes a vehicle that is similar to that of a broadcast description for a known offense.

7. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.

8. The suspect is in a place proximate in time and location to an alleged crime.

9. The suspect is carrying an unusual object or the suspect's clothing bulges in a manner consistent with concealing a weapon.

IV. FIELD INTERVIEW PROCEDURES

A. Making the field interview or stop: overview

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 subject. In the absence of probable cause to arrest or reasonable suspicion to justify an actual investigative detention or stop, the individual may discontinue the interview at any time and leave. The individual may also refuse to produce identification or otherwise prove identity. The individual does not have to answer any questions or provide any information.

2. An officer must be able to articulate the circumstances that warranted the interview of the subject. In court, should a field interview result in an arrest, an officer must justify the intrusion by describing "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Articulable facts and circumstances derive from:

    a. First-hand observations.

    b. Information from informants or members of the community.

    c. "Collective knowledge" or information shared by several officers.

    d. Reasonable inferences made by the officer from information known to the officer.

B. Place of the interview

1. As a general rule, field interviews may be conducted anywhere the officer has a right to be, including:

    a. District-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 an 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.

f. Any other area in which an officer may affect a warrantless arrest.

2. Field contacts shall not be done to coerce a person to leave an area or place where the person has a legitimate right to be and where no violation of law has occurred.

C. Conduct of Interviews

1. Officers shall clearly identify themselves and, if not in uniform, display identification.

2. As noted above, a person interviewed by the officer may discontinue the interview at any time. To repeat, during a routine field interview, 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. The fine line drawn between a field interview and a detention or stop must be strictly observed. Since the distinction between an interview and a detention depends to a great extent on whether, under the circumstances, the subject perceives that the subject 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 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 field interviews. 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 a rapport. However, during a field interview, if persons should ask whether they must respond, or indicate that they feels compelled to respond, the officer shall immediately inform them of the right to refuse, as well as 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.

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.

B. Investigative detentions may involve two distinct acts. The first is the actual detention or stop, which 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 the officer's 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:

    1. The type of crime suspected, 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).

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 with their feet spread apart, which is the preferred method.

3. When frisking, officers shall search only the external clothing for objects that reasonably could be weapons and remove them.

    a. 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 shall not open it but may place it beyond the subject's reach for the duration of the stop.

D. Protective search

1. Under some conditions, the protective search or the search for weapons may be extended beyond the person detained. This search occurs most often with 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(s) 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 which would ensure that there are no weapons within the subject's immediate grasp.

f. If the suspect has been arrested and restrained or removed from immediate access to the vehicle, a search of the vehicle cannot be made for protective reasons. A search may be made of vehicle if other exceptions to a search warrant exist.

E. Period of detention

1. Investigative detention--as with field interviews--must be conducted as quickly as possible. Once the detaining officer determines that the basis for reasonable suspicion no longer exists, the person detained shall be immediately released. Should the suspicion be reinforced with additional information or the officer develops probable cause, the period of detention could be lengthened. The courts generally permit up to 20 minutes to constitute a reasonable period of time for the interview.

VI. DOCUMENTING THE INTERVIEW OR STOP

For purposes of successful prosecution and 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 of detention. The report will be forwarded through the officer’s supervisor to the records unit.

	Subject: Constitutional Requirements and Officer Discretion	Issue Date: 11/30/2015
	Chapter: 12	Revision Date: 05/01/2020
	Policy: 12.3	Total Pages: 6 Chief Bunch's signature:

Constitutional Requirements and Officer Discretion

I. POLICY

The federal and state constitutions guarantee every person certain safeguards from 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 general order 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 circumstances when officers should exercise alternatives to arrests and pretrial confinement.

III. PROBABLE CAUSE AND REASONABLE SUSPICION

A. Probable Cause

1. Searches and arrests are based on the existence of probable cause. 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."

An officer must have probable cause to make an arrest or conduct a search.

2. When an officer has sufficient probable cause, the officer may arrest a person, conduct a search of the person, record the person's fingerprints, take the person's photograph, and detain the person. The aim of an arrest on probable cause is to make a formal charge. While in some cases, formal charges may not be filed for any number of reasons, officers should only make a custodial arrest if a formal charge is anticipated.

B. Reasonable Suspicion

1. Reasonable suspicion involves a standard less 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.

   An officer must have reasonable suspicion to temporarily detain a person.

2. When an officer has reasonable suspicion, the officer may undertake a pat-down (frisk) of a suspect's outer clothing for weapons and record the circumstances of the encounter. The aim of a detention based on reasonable suspicion is to resolve an ambiguous situation and determine if criminal activity is occurring.

IV. **AUTHORITY AND DISCRETION**

A. Law-enforcement authority

State law invests peace officers with authority to prevent and detect crime, apprehend criminals, safeguard life and property, preserve the peace and enforce state and local laws and ordinances.

B. The use of discretion by officers

1. While officers have the authority to arrest an offender under many circumstances, officers seldom are able to arrest individuals 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 procedures 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. The vast majority of persons officers will contact during their shifts are typically law-abiding people who have made a mistake or error in their behavior. In many of these cases there are underlying circumstances that contributed to those mistakes or decisions. Officers are encouraged to exercise understanding and compassion when deciding to take enforcement action, and consider how they or a member of their family would like to be treated in similar circumstances.

4. Officers should understand that their decisions regarding arrests and searches are in all cases subject to review by their supervisors.

5. Supervisors shall observe and review the activities of officers and counsel them as needed regarding the use of discretion.

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.

   After an arrest has been made in these circumstances, if pre-arraignment detention is not advisable due to the suspect's health, age, infirmity or family situation, the officer should contact a supervisor for disposition. A supervisor can authorize a field release if the individual is known or proper identification is present; or authorize booking and release on personal 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 the accused.

4. Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the officer a better solution to the problem will be achieved by use of alternatives to enforcement, the officer should refer the person to an appropriate social services agency.

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.

V. PROTECTION OF INDIVIDUAL RIGHTS

A. Officers will, at all times, act to preserve and protect the rights of all persons.

B. Officers making arrests will ensure suspects are informed of the rights if they intend to question them about an offense. *Miranda* warnings are required and shall be administered prior to any "custodial interrogation." Officers are expected to understand the requirements of Code of Criminal Procedure 38.22 before taking any statements from suspects.

1. The following represent examples of situations that are not "custodial" and do not require *Miranda* warnings.

    a. Investigatory stop and frisk.

    b. Questioning during a routine traffic stop or for a minor violation; to include driving while intoxicated (DWI) stops until a custodial interrogation begins. 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.

    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.

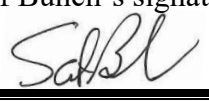
    a. Miranda warnings shall be read by officers from the card containing this information to all persons subjected to custodial interviews.

    b. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as 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 waived their rights. Threats, false promises or coercion to induce suspect statements is prohibited.

    d. Waivers 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 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.

	Subject: Arrests With and Without a Warrant	Issue Date: 11/30/2015
	Chapter: 12	Revision Date: 06/01/2020
	Policy: 12.4 Reference: TBP: 7.02, 7.03, 10:22	Total Pages: 14 Chief Bunch's signature: 

Arrests With and Without a Warrant

I. POLICY

Short of the application of force, an arrest is the most serious action an officer can undertake. An arrest can cause repercussions throughout a person's life, even if eventually found not guilty or never brought to trial. The most important legal question facing an officer at the moment of an arrest is the existence of probable cause: without probable cause, the arrest is illegal and the evidence of criminality that was obtained because of the arrest is inadmissible. Officers shall accordingly exercise critical judgment in making arrests. Critical judgment includes consideration for bystanders, the time, place and location of offenses and the use of force in making the arrests. Officers shall consider alternatives to arrest consistent with their law-enforcement mission.

II. PURPOSE

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

III. DEFINITIONS

A. Arrest

An arrest is a seizure of a person. An arrest is 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 make a warrantless arrest.

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 the oral instruction provided by field supervisors.

B. Officers shall not make arrests or take any enforcement action based in whole or in part by a person's sex, race, creed, color, age, general or assumed attitude, ethnic or natural origin, economic status, disabilities or sexual orientation.

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 should 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 peace officer commanding the officer to arrest a person accused of an offense, 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 the person is accused of a crime and name the crime; and must be signed by a magistrate and identify 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 reasonable definite description of the individual. It must show that the person has committed a crime, either directly, 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 only be carried to the judge of the Municipal or Justice Court or 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 without substantial additional information proving probable cause being added to the affidavit. Subsequent reviews will be done by the same magistrate unless unavailable.

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:

    a. Issue 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, and

    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. 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.

9. If an officer has any question about the details or validity of an arrest warrant, the officer shall attempt to verify the information before making an arrest under authority of that warrant. Whenever practical, an officer shall automatically verify the currency of any arrest warrant issued thirty days or more before the date of execution.

10. Any decision to send regional or statewide messages concerning a warrant will be made by a supervisor or the Detective assigned to the case. An officer need not have actual physical possession of an arrest warrant in order to execute it. However, before executing a warrant not in the officer's 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 the arrest.

11. In executing an arrest warrant, whether or not the warrant in the officer's possession, the officer shall announce to the person being arrested that the arrest is made pursuant to an arrest warrant. If the officer has the warrant in possession, the officer shall show it to the arrestee. If the officer does not possess the warrant, the officer shall advise the arrestee of the charge, bond, and originating agency who issued the warrant.

12. Officers may enter a third party's residence:

    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.

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:

a. Arrest the defendant. Notify the agency holding the warrant that this department executed the warrant and give the location of the arrestee.

b. 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.

c. 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 Bastrop County Sheriff's Department.

d. If the department holding the warrant cannot take custody of the arrestee within 24 hours after the execution of the warrant, or if that department at any time indicates that it will not take custody of the arrestee, the arrestee may be released from our custody.

e. An officer shall also execute an arrest warrant telegraphed under the authority of a Texas magistrate.

C. Warrants from Other States

1. Whenever any officer has probable cause to believe that a person stands charged of a <u>felony</u> in another state, the officer shall:

a. Arrest the person only after the warrant has been confirmed using accepted methods of warrant confirmation. This arrest is made under the authority granted to Peace Officers in the Texas Code of Criminal Procedure, Chapter 51, Fugitives from Justice.

b. Book the arrested person directly into the custody of the Bastrop County Sheriff's Department.

c. 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:

i. with consent to search from the resident or person having control of the property, or

ii. With a search warrant for that residence in order to enter and make the arrest, or

iii. While in fresh pursuit of the wanted person.

D. Chance Encounters

1. Whenever an officer lawfully stops or otherwise detains and identifies a person, the officer may concurrently initiate a records check to determine whether any arrest warrant is outstanding against that person.

2. To conduct a records check, an officer may detain a person whom the officer has lawfully stopped for a reasonable period of time. For a routine records check by radio, telephone, teletype, or computer terminal, the detention should not exceed a reasonable amount of time. However, detention may be extended, but no longer than necessary, if the officer has a reasonable suspicion that a warrant is outstanding.

3. The person may be required to wait in the officer's vehicle, in the person's own vehicle, or in some other convenient place.

4. The person may be frisked if the officer can articulate a reasonable fear for the officer's safety.

E. Planned Executions of Arrest Warrants

1. Prior to executing an arrest warrant, the officer in charge shall notify the officer's 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. 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 (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 third party private location rule.)

4. Officers need not execute the warrant at the first possible opportunity to do so, but may choose the time and place in accordance with these rules. However, an officer shall not select the time and place of arrest solely to embarrass, oppress or inconvenience the arrestee.

5. An officer shall not use force to enter private premises to execute a misdemeanor arrest warrant.

6. In general, when seeking to enter a private premise, an officer shall ring the doorbell or knock on the door, announce the officer's intentions and purpose, and demand admittance. The officer may then wait for a reasonable time under the circumstances to be admitted.

7. 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.

8. 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 and the magistrate requested to 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.

9. If an officer must make a forcible entry, the officer 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.

10. Whenever an officer must 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.

11. 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 persons whom the officer reasonably suspects may have a weapon concealed upon their persons.

12. An officer shall leave the premises at least as secure as when the officer 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 be left until it can be turned over to a responsible party or otherwise secured from illegal entry.

F. No Book Warrant Procedures

1. An officer may allow a violator to pay their fines in full rather than booking the violator into the holding facility for Class C warrants issued by municipal courts.

2. Officers who wish to serve Class C municipal warrants without booking the defendant into the holding facility should follow these procedures:

    a. Confirm that the warrant matches the identity of the person detained.

    b. Confirm that the defendant has a sufficient amount of cash to pay the full amount of the fine(s) or the defendant can obtain the cash quickly.

c. If the defendant has the cash necessary or can obtain the cash quickly, the officer should ascertain if the defendant has transportation. The officer should follow the defendant to the Municipal or Justice Court Judge.

d. The violator will pay the complete amount of all fines to the clerk assigned to the Municipal or Justice Court Judge. **Officers are prohibited from handling any of the cash during any part of this transaction.** The officer should insure that the defendant is provided a receipt for the payment.

e. If after a reasonable time has elapsed as determined by the officer or the officer's supervisor, the defendant is unable to pay the fine then the defendant should be arrested and booked into the Bastrop County Jail.

f. The officer should turn in the arrest report and the original warrant to the officer's supervisor. Supervisors will forward the warrant the municipal or justice court for a final disposition and removal from the local warrant database.

VI. ARREST WITHOUT A WARRANT (TBP: 7.03)

A. Federal and state constitutions protect individuals from arbitrary and oppressive interference with privacy by law enforcement officials. Further, officers must have probable cause 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 which reasonably show that such persons have been guilty of some felony or breach of the peace, threaten or are about to commit some offense against the laws.

b. If an officer has *probable cause* to believe that a person has committed an assault resulting in bodily injury to another and believes that there is danger of further bodily injury to that person the officer may arrest the violator. If an officer has probable cause to believe that the person has committed an offense involving family violence the officer may arrest the

violator.

c. If a person prevents or interfered with an individual's ability to place an emergency telephone call related to family violence an officer may arrest the violator.

d. Officers shall arrest a person in violation of a valid protective order when committed in the officer's presence. Officers may arrest an offender for any offense committed within the officer's presence or view including traffic violations.

e. Officers may arrest at the direction of a Magistrate when a felony or breach of the peace has been committed.

f. 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.

g. Officers may arrest a person who confesses to a felony crime.

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. 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 the officer's 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 the suspect's transportation to the hospital for an examination before booking.

B. Processing of paperwork

1. Outlined here are the procedures for documenting arrests. Including 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. CCR reports.

    f. Copies of summonses.

    g. Copies of warrant.

    h. Bond papers.

    i. Jail committal forms.

    j. In the case of juvenile offenders.

    k. Petitions.

    l. Detention orders.

C. *Miranda of* 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 *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 *Miranda* right to counsel, 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. If the arrestee has not waived *Miranda* rights, then even though the arrestee is not being directly questioned 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.

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.

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 the crime did not occur then the officer shall release the suspect.

2. When an officer releases a subject from arrest, the officer 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 the supervisor of the incident.

4. The officer shall document 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 which 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 any forced 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 or other officers. Verification of the diplomatic claim shall take place after a 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 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 which require mandatory notification of consular officials in the event that one of their citizens has been arrested is extensive. The State Department shall be contacted for guidance. (TBP 10.22)

	Subject: Prisoner Restraint	Issue Date: 11/30/2015
	Chapter: 12	Revision Date: 06/01/2020
	Policy: 12.5	Total Pages: 4 Chief Bunch's signature:

Prisoner Restraint

I. POLICY

The officer's responsibility for the safe custody of prisoners permits some discretion in the use of handcuffs and 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 other location. See also Policy 12.6, Transporting Prisoners.

II. PURPOSE

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. If a prisoner is not handcuffed, the prisoner shall be transported in a vehicle with a prisoner cage and two officers shall conduct the transport. Officers must be able to justify exceptions without unduly risking safety.

2. 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 officer.

B. Handcuffs

1. In most circumstances safety concerns mandate that arrested subjects should be handcuffed. Officers must be able to justify exceptions without unduly risking safety. Some possible exceptions are:

a. Children under 10 years of age;

b. Pregnant females;

c. Handicapped or disabled suspects; or

d. Elderly suspects.

2. Normally, officers shall handcuff a subject with the hands in back, but they may choose to handcuff hands in front due to the suspect's handicap, size, or disability.

3. When a suspect is handcuffed officers should double lock the handcuffs. This will help ensure prisoner and officer safety. Double locking reduces the chance of picking the lock or of the handcuff accidentally tightening, further restricting circulation.

4. Officers shall apply the handcuffs according to recognized professional standards, always striving to avoid hard strikes to wrists with handcuffs and over-tightening of 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, yet restricts 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.

E. Plastic / Shoelace Handcuffs

Plastic / shoelace 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 / shoelace handcuffs can only be removed 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 only be applied to a prisoner's legs when the officer feels that the prisoner poses an imminent threat of physical harm to the prisoner or another with the use of the prisoner's feet or legs, or when the prisoner attempts to damage the inside of the patrol car during transport.

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 potential suspects while officers investigate an incident. Officers should be able to articulate the reasons for their safety concern. Persons not arrested but who are subject to investigative detention may be restrained under the following circumstances.

1. Suspects shall be handcuffed only as long as necessary to accomplish the investigative goal.

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 to accomplish the investigation.

B. 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

A. Restraint prohibitions

1. Officers shall not place subjects in a prone position with the hands and ankles bound from behind with handcuffs, belts or other devices.

2. As soon as any suspects who are lying on their stomachs have been handcuffed, officers shall roll the suspects onto their sides or place the suspects in a sitting position. Suspects shall never be transported in a prone/face down position.

3. 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 restrained. All suspects will be monitored during custody and transport for indications of medical problems and medical treatment obtained if required.

	Subject: Arrests of Transgender, Intersex, Gender Nonconforming (TIGN) Individuals	Issue Date: 11/30/2015
	Chapter: 12	Revision Date: 06/01/2020
	Policy: 12.6	Total Pages: 6 Chief Bunch's signature:

Arrests of Transgender, Intersex, Gender Nonconforming Individuals (TIGN)

I. POLICY

It is the policy of the Bastrop ISD Police Department to recognize the rights of all persons and to treat all persons with dignity and respect, which is 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 maintain a courteous, professional attitude in all contacts with the public. Personnel will not exhibit any bias, prejudice, or discriminate against an individual or group of TIGN individuals and shall take necessary precautions to ensure their safety when arrested and detained.

II. PURPOSE

Inappropriate or disrespectful interactions with transgender, intersex and gender nonconforming (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 transgender individuals are afraid or are too uncomfortable to report crime, limiting the department in its ability to provide a safe community. This policy establishes standards for interactions with TIGN individuals to provide safety and respect for all persons. It also defines certain terms which pertain to processing TIGN individuals and establishes procedures for processing and holding TIGN arrestees.

III. DEFINITIONS

A. Gender – A construct used to classify a person as male, female, both, or neither. Gender encompasses aspects of social identity, psychological identity, and human behavior.

B. Gender Nonconforming- A person whose appearance or manner does not conform to traditional societal gender expectations.

C. Gender Identity – The actual or perceived identity of a person as being male, female, both, or neither.

D. Gender Expression – The actual or perceived behavior of a person as being associated with a gender including mannerisms, clothing, hair style, and choice of activities.

E. Cisgender—Any person whose gender identity matches the biological gender at birth.

F. Transgender – 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, non-binary individuals, and individuals whose identity is perceived to be gender nonconforming

G. Transsexual – A person whose body characteristics have been altered to align with the person's gender identity that conflicts with their anatomical gender at birth.

H. Intersex – An individual displaying sexual characteristics or a chromosomal pattern that does not seem to fit traditional biological definitions of male or female. Not all intersex people identify as transgender.

I. Sexual Orientation – An individual's enduring romantic, emotional, and/or sexual attraction to individuals of the same or different gender or to both genders (heterosexual, homosexual, bisexual, asexual). Sexual orientation and gender identity are not the same.

IV. PROCEDURES

A. Determining Transgender Status

1. Officers shall follow the procedures below governing interactions with transgender persons when either of these conditions are met:

    a. An individual explicitly informs an officer that the individual is a transgender person, or

    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:

1. Respectfully treat TIGN individuals in a manner appropriate to the individual's gender identity or expression.

2. Use the Preferred Gender Pronoun as requested by a TIGN individual:

a. she, her and hers for individual who self-identifies as a female
b. he, him and his for an individual who self-identifies as a male
c. they or other Preferred Gender Pronoun for an individual who identifies as non-binary

3. When requested, address TIGN individuals by a name based on their gender identity rather than the gender on their government-issued identification.

4. If a custodial arrest is made, conduct field searches as prescribed in Department Policy 15.2 Searches Incident to Arrest.

5. If a custodial arrest is made and the individual has had a gender change operative procedure and identifies as a gender different than at birth, personnel should consider checking for warrants under both traditional genders.

C. Personnel will not:

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 identity or 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, gender 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 appropriate with their gender identity. When called out to a domestic dispute or domestic violence situation, officers shall assess every situation for the dominant aggressor and not automatically determine the batterer and survivor based on actual or perceived gender identity and/or sexual orientation.

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. The exceptions to the government-issued identification card are those arrestees who are post-operative gender re-assigned.

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. The individual has male genitalia; the arrestee will be classified as a male.

2. The individual does not have male genitalia; the arrestee will be classified as a female.

D. In the event a TIGN individual objects to any questioning regarding the individual's classification, the officer should attempt to explain the need for searching prior to transport and the officer's 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 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. Personnel will not conduct more frequent or more invasive searches of TIGN individuals than non-TIGN individuals.

4. 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 for non-TIGN arrestees.

5. The possession of a needle which 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 or mass arrests in which 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 will be transported to the Bastrop County Jail to be processed according to Policy 18.1.

	Subject: Firearms on School Property	Issue Date: 11/30/2015
	Chapter: 12	Revision Date: 06/01/2020
	Policy: 12.7	Total Pages: 4 Chief Bunch's signature

Handling Persons with Firearms on School District Property

I. POLICY

The department's goal is to provide clearly defined means for the handling of persons with firearms on school district property. Both federal and state laws begin with a presumption that school premises are gun-free zones. The district retains the right under applicable state and federal laws to restrict firearms on school property.

II. PURPOSE

The purpose of this order is to establish procedures for BISD Police officers and their response to determining who is permitted to carry a firearm on the premises of the Bastrop Independent School District.

III. DEFINITIONS

A. Firearm

Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Tex. Penal Code § 46.01(3).

B. Premises

A building or a portion of a building. The term includes any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area when a school-sponsored activity is occurring. Texas Attorney General Opinion No. KP-0050.

C. School Zone

In, or on the grounds of, or within 1,000 feet from the grounds of a public, parochial or private school. 18 U.S.C. § 921(a)(25).

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 the oral instruction provided by field supervisors.

V. OFFICIALS AUTHORIZED TO CARRY ON SCHOOL PREMISES

A. A member of the armed forces or national guard, a guard employed by a penal institution, or an officer of the court, while in the conduct of official duties. Tex. Penal Code § 46.03(b).

B. On or off duty peace officers or special criminal investigators;

C. Authorized and on duty parole officers;

D. Authorized and on duty community supervision and corrections department officers;

E. Active judicial officers licensed to carry handguns;

F. Honorably retired peace officers, qualified retired law enforcement officers, federal criminal investigators, or former reserve law enforcement officers, with proper identification;

G. District attorneys and assistant district attorneys, criminal district attorneys, county attorneys, or municipal attorneys licensed to carry handguns;

H. Bailiffs designated to escort active judicial officers and licensed to carry handguns; and Juvenile probation officers authorized to carry firearms.

I. School board members who lawfully possess a handgun license may carry a firearm at school board meetings as long as the board has issued written authorization for this action. Tex. Att'y Gen No. GA-1051 (2014).

VI. SCHOOL EVENTS ON AND OFF CAMPUS

A. Texas law prohibits the unauthorized possession of weapons, including firearms, at school events regardless of the location of the event.

B. This prohibition applies to all school-sponsored events, regardless of whether the events happen on or off school property. For example, a school-sponsored middle school softball game may take place on school property, but in an

outdoor facility that would not meet the statutory definition of premises. Nevertheless, this law would prohibit all firearms at the softball game. Similarly, a high school theater performance may take place in a city auditorium, not owned or leased by the school district, but this law would still prohibit firearms at the performance.

VII. BUSES AND OTHER SCHOOL VEHICLES

A. Unless a person has special authorization, a person commits an offense (third degree felony) if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or other prohibited weapon, as defined by state law, on a passenger transportation vehicle of a school. Tex. Penal Code § 46.03(a)(1), (g). It is not a defense to prosecution that the person holds a license to carry a handgun. Tex. Penal Code § 46.03(f).

VIII. UNLAWFULLY CARRYING HANDGUN AT SCHOOL BOARD MEETING

A. A handgun license holder commits an offense (Class A misdemeanor) if the person intentionally, knowingly, or recklessly carries a handgun under the authority of the license in to the room or rooms where an meeting of a governmental entity is held pursuant to the Texas Open Meetings Act, as long as the license holder was given effective notice that handguns were prohibited. Tex. Penal Code §§ 30.06, .07, 46.035(c), (g), (i).

IX. CRIMINAL PENALTIES

A. Unless a person has special authorization, a person commits an offense (third degree felony) if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or other prohibited weapon, as defined by state law, on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution. Tex. Penal Code § 46.03(a)(1), (g). It is not a defense to prosecution that the person holds a license to carry a handgun. Tex. Penal Code § 46.03(f).

B. A handgun license holder commits an offense (Class A misdemeanor) if the person intentionally, knowingly, or recklessly carries a handgun on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant

in the event and a handgun is used in the event. Tex. Penal Code § 46.035(b)(2), (g).

C. A license holder commits a Class C misdemeanor offense if the person carries a concealed handgun, under the authority of the license and without effective consent, onto school district property where firearms are prohibited by either Section 46.03 or Section 46.035, if the license holder received notice by written communication that entry with a concealed handgun is forbidden. In addition, if the license holder receives oral notice that handguns are prohibited and fails to depart, the offense is a Class A misdemeanor. Tex. Penal Code § 30.06.

	Subject: Prisoners	Issue Date: 11/30/2015
	Chapter: 13	Revision Date: 06/01/2020
	Policy: 13.1 **Reference:** TBP: 10.10, 10.12, 10.14, 10.15, 10.21, and 10.22.	Total Pages: 7 Chief Bunch's signature

PRISONERS

I. POLICY

This department does not maintain or operate a holding facility. All adult persons taken into custody are taken directly to the Bastrop County Jail. The policy of this department is to process prisoners without delay and safely transport them to the county jail as soon as possible.

II. PURPOSE

To provide operational procedures for transport of prisoners to the Bastrop County Jail.

III. GENERAL ISSUES

A. Supervision

The operational policies and supervision of Bastrop County Jail is the responsibility of the Sheriff. Members of this agency will conform to their requirements when processing prisoners for holding in their facility. Any difficulties encountered by members of this department should be brought to the attention of a department supervisor as soon as possible.

B. Access to Facility

Access to the county jail is limited to authorized sworn personnel. Juveniles taken into custody are transported immediately to the juvenile's home, to a court approved juvenile processing room, or to a designated Juvenile Detention Facility.

IV. FACILITY SECURITY

A. Firearms and Weapons (TBP: 10.21)

1. Weapons may be secured in an appropriate lock box or secured in the officer's vehicle trunk prior to entering the facility. Less than lethal weapons, to include OC spray may be allowed in the jail area.

2. Weapons (that are not 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.

V. PRISONER PROCESSING

A. Prisoner Control and Security

1. All arrested persons are thoroughly searched for weapons and contraband at the scene of the arrest prior to being placed in a police vehicle. Any contraband located on the arrested person that is considered evidence, is seized, and properly secured as evidence. Any property removed from a suspect shall be securely maintained by the arresting officer and released to the custody of the Bastrop County Sheriff's Department when the individual is booked into the jail. (TBP 10.10)

2. Persons arrested by this agency may be transported to the department facility for paperwork processing prior to transport to the Bastrop County Jail. At no time will any person arrested or detained be left alone while in custody in the police vehicle or while in the department facility.

3. Persons to be detained in the Bastrop County Jail are escorted into the facility through the main holding facility door or through the sally port.

4. Officers will take extra precautions to ensure that all items taken from a prisoner in the field are turned over to the Bastrop County Sheriff's Department for safekeeping and released to the individual when they are released from jail.

5. Officers who develop information during an arrest, that the individual may be suicidal, or is homosexual, transgender, intersexual, or gender nonconforming, either through observation or self-profession, will ensure holding facility staff is informed of the situation in a manner that does not embarrass or endanger the arrestee.

B. Juvenile Detentions

1. If the child is detained and transported to the police department, the child is only detained in the area designated as Juvenile Processing Office. Under no circumstances is a child who is in custody left unsupervised. All children held at the police department remain out of sight and sound of adult prisoners.

2. 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.

C. Strip searches (TBP: 10.14)

1. Strip searches shall not be conducted of persons arrested for traffic violations, Class C or B misdemeanors; unless the officer has an articulable, reasonable suspicion to believe 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 narcotics offenses or violence.

    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. No strip searches will be conducted in the field.

3. In every case, the on-duty or on-call supervisor must review the need and expressly authorize the strip search.

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

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

5. Following a strip search, the officer performing the search shall submit a written report to the 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.

D. Body-cavity searches (TBP: 10.15)

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 and 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 warrant is 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 the officer's intention to conduct a body-cavity search thus giving the prisoner the opportunity to voluntarily surrender the suspected contraband.

E. Medical Attention (TBP: 10.12)

1. Should an arrested person have obvious injuries or complain of injury or illness, the arresting officer will ensure the individual is examined by either EMS personnel or medical personnel before transport to the Bastrop County Jail.

2. If the severity of medical conditions is unclear or if a prisoner requests medical attention, the prisoner shall be transported as soon as possible to a medical facility for evaluation. 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.

F. Fingerprints and Photographs

1. Those individuals being charged with a class B misdemeanor or above require the State issue CJIS card and any supplemental cards as required.

2. Those individuals being charged with a felony also require a FBI card.

3. Those individuals being charged with a class C misdemeanor are not required to be fingerprinted, unless in the opinion of the booking officer the fingerprints would be useful in the fullest identification of the arrested person.

4. All individuals detained will have a current booking photo made.

G. Arrest Reports

1. All individuals detained will have an Arrest Report completed using the computerized offense and arrest report system.

2. Arrest reports 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. Arrest reports are completed in the format provided in the computer system.

4. All arrest reports and related offense reports will be completed by the arresting officer prior to the end of shift.

5. If Bastrop County jail supervisors do not believe there is sufficient probable cause to hold an individual, the on-duty or on-call supervisor should be contacted.

H. Receiving Prisoners from Other Agencies

1. Prior to accepting prisoners from other agencies, the receiving officer ensures the following:

a. Positive identification of the detainee

b. Positive identification of the officer delivering the prisoner

c. Requesting officer required to provide telephonic or written confirmation of the reason for the incarceration. (Copy of Offense report, arrest report, warrant and bond information if any)

d. Ensuring an offense has occurred and authority for arrest exists.

I. Transportation of Prisoner to other Agencies

1. Officers transporting prisoners to other agency will ensure they:

a. Comply with the other agencies rules including locking up all weapons prior to entering the facility.

b. Ensuring the prisoner remains handcuffed until released to the other agency's custody.

c. Provide the receiving agency with all necessary paperwork and prisoner's property.

2. Officers picking up prisoners from the county will inquire about any physical or mental problems the prisoner may have. All of the prisoner's property will be signed for by the prisoner and provided to the transporting officer for safekeeping. (TBP: 10.10)

VI. PRISONER RIGHTS

E. Access to Consul (TBP: 10.22)

1. Detainees are asked their Citizenship. Should a detainee be other than U.S Citizenship, the detainee is asked by the arresting officer if the detainee wishes the detainee's Consul to be notified. If so, the Consul is notified by Communications using the list of Consuls maintained. Notification or refusal is noted in the arrest report.

F. DWI Blood Tests

1. Suspects arrested for DWI have the right to request a blood test by a physician of their choice within two hours after their arrest per TRC 724.019. Individuals should be allowed access to a telephone for this purpose as soon as possible if requested.

	Subject: Custodial Statements and Confessions	Issue Date: 11/30/2015
	Chapter: 13	Revision Date: 06/01/2020
	Policy: 13.2	Total Pages: 4 Chief Bunch's signature

CUSTODIAL STATEMENTS AND CONFESSIONS

I. POLICY

Custodial interrogations of suspects and the statements and confessions that are elicited are vitally important in the preparation of criminal cases. However, to be admissible as evidence, statements and confessions must be given freely and voluntarily and with due consideration for the suspect's right to silence and right to counsel. Therefore, it is the policy of this law enforcement agency that all officers understand and follow this agency policy in order to observe the legal and constitutional rights of suspects and to guard against any charges of police coercion or intimidation during interrogation.

II. PURPOSE

To provide officers with legally sound procedures for conducting custodial interrogations.

III. DEFINITIONS

A. Custody: A custodial situation exists when an officer tells a suspect that the suspect is under arrest. A functionally equivalent situation exists when a "reasonable person" in the suspect's position would feel that freedom of action by the person has been restricted to the same degree as a formal arrest.

B. Interrogation: Interrogation includes direct questioning of a suspect about a crime or suspected crime, as well as any words, statements or actions by officers that the officers should know are reasonably likely to elicit an incriminating response from the suspect.

IV. PROCEDURES

A. Custodial Statements and Confessions

1. *Miranda* warnings are required and shall be administered prior to "custodial interrogation," as defined above.

2. The following represent examples of situations that are ***not*** "custodial" and do not require issuance of *Miranda* warnings.

    a. Investigatory stop and frisk.

    b. Questioning during a routine traffic stop or for a minor violation; to include driving while intoxicated (DWI) stops until a custodial interrogation begins.

    c. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.

    d. During voluntary appearances at the police facility.

    e. When information or statements are made spontaneously, voluntarily and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require *Miranda* warnings.)

B. Administering *Miranda*

1. *Miranda* warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as it may preclude officers from testifying in court as to the precise wording used.

2. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be interrogated only when they have knowingly and intelligently waived their rights. Threats, false promises or coercion to induce suspect statements is prohibited.

    a. Waivers of one or both of the *Miranda* rights must be performed affirmatively.

    b. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate agency form.

c. When feasible, providing of warnings, waivers and subsequent questioning should be recorded by audio or video in felony cases.

3. Officers arresting deaf suspects shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in order to question the suspect. Suspects who are not conversant in English should, where possible, be questioned in their native language.

C. Invoking the Right to Silence

1. When a suspect invokes the suspect's right to remain silent, all interrogation shall terminate immediately and shall not resume unless a renewed waiver occurs and is documented.

2. Suspects who are not represented by an attorney may not be interrogated for at least 90 minutes after invoking their right to silence and then only after officers have re-administered *Miranda* Warnings and obtained a waiver.

3. Officers may interrogate a suspect who has previously invoked the right to silence, if, after the passage of time, the suspect initiates communication with officers. However, prior to questioning *Miranda* Warnings shall be re-administered and a waiver obtained.

D. Invoking the Right to Counsel

1. If a suspect waives the right to counsel, a waiver shall be obtained and documented prior to questioning. When a suspect makes reference to counsel but the suspect's intentions are unclear, officers may question the suspect further to clarify the suspect's intentions.

2. When a suspect invokes the right to counsel, all interrogation shall cease immediately. The suspect may not again be interrogated about the crime for which the suspect is charged, other crimes or by other officers (from this or other agencies) unless:

a. the suspect's attorney is present at the questioning; or

b. the suspect initiates new contact with the police. In this later case, *Miranda* rights must again be administered and a waiver obtained before any further questioning may take place. Officers shall also document and, if possible, obtain

written verification that the suspect initiated the communication.

3. Officers shall cooperate in any reasonable way with efforts by counsel to contact or meet with suspects in custody.

E. Documenting Statements and Confessions –

1. The circumstances surrounding the conduct of interrogations and recording of confessions shall be fully documented. This includes but is not necessarily limited to:

   a. location, date, time of day and duration of interrogation;

   b. the identities of officers or others present;

   c. *Miranda* warnings given, suspect responses and waivers provided, if any;

   d. the nature and duration of breaks in questioning provided the suspect for food, drink, use of lavatories or for other purposes; and

   e. description of the premises.

2. Investigative officers are encouraged to use video and audio taping capabilities, if available, for purposes of recording statements and confessions in an overt or covert manner consistent with Federal and State law.

3. The Chief of Police or the Chief's designee may decide in which cases audio or video tape recordings may be appropriate and whether covert or overt procedures may be used. Tape recordings designated as evidence shall be handled in the following manner:

   a. Original tape recordings shall be duplicated and each copy stored separately;

   b. Tape recordings shall be stored in a secure location under controlled access as designated by the evidence/property officer; and

   c. All tape recordings shall be inventoried on a routine basis.

	Subject: Juvenile Prisoners	Issue Date: 11/30/2015
	Chapter: 13	Revision Date: 05/01/2020
	Policy: 13.3	Total Pages: 7 Chief Bunch's signature

JUVENILE PRISONERS

I. POLICY

It is the responsibility of all members of this Department to familiarize themselves with juvenile procedures and established procedures for handling both criminal and noncriminal juvenile incidents as defined in this policy. Officers should bear in mind that only a small percentage of juveniles commit the majority of juvenile crimes. While this small percentage may require secure custody, the vast majority of juvenile offenders are likely candidates for non-secure custody and positive diversion and intervention strategies. With this in mind officers shall, whenever reasonable and justified under this policy, take those measures necessary to effect positive changes in juvenile offenders that are consistent with state law and the safety and security interests of the community.

II. PURPOSE

To provide guidelines for officers when dealing with juveniles in enforcement and custody situations.

III. DEFINITIONS

A. Status Offender: A juvenile who is charged with an offense that would not be a crime if committed by an adult.

B. Responsible Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is responsible for the physical custodian of a juvenile or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume that responsibility.

C. Non-secure Custody: A condition under which a juvenile's freedom of movement is controlled by members of this agency and, during such time, the juvenile:

1. is held in an unlocked multi-purpose area that is in no way designed for residential detention use, such as a report-writing room or an office;

2. is at no time handcuffed to any stationary object;

3. is held only long enough to complete identification, investigation and processing and then released to a responsible adult or transferred to a juvenile facility or court; and,

4. is under continuous supervision until released.

D. Secure Custody: A condition in which a juvenile is physically detained or confined in a locked room, set of rooms or a cell that is designated, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody or when the juvenile is physically secured to a cuffing rail or other stationary object.

IV. PROCEDURES

A. Enforcement Alternatives - Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Alternatives that may be considered include:

1. Release without further action;

2. Informal counseling to inform the youth of the consequences of the youth's actions;

3. Informal referrals to community services;

4. Referral to parents or responsible adult;

5. Informal counseling of parents or responsible adult;

6. Limited custody and station house warning;

7. Issuance of a summons or complaint;

8. Arrest under non-secure custody; and

9. Arrest under secure custody.

B. Enforcement Criteria - The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents.

1. Release without further action or following informal counseling referral to community resources or parents may be appropriate in incidents where property damage or personal injury is not involved but intervention is necessary to avoid potential delinquent actions and when the youth has had no prior enforcement contacts with the police. Examples of these incidents include, but are not limited to:

   a. curfew violations;

   b. loitering;

   c. minor alcohol violations; and

   d. other minor Class C violations.

2. Officers may elect to transport the youth home or direct the youth to return home; make personal, telephone, or mail contact with the youth's parents or guardians to provide them with information and counseling on their child's actions; refer the youth to appropriate community service agencies with or without follow-up; or detain the youth at the police department until the youth is released to a parent or guardian when:

   a. the nature of the incident is of a more serious or potentially serious nature than exemplified in item B-1 of this policy;

   b. the youth involved is fully aware of the seriousness or potential seriousness of the actions and/or is acting in alliance or collusion with others to commit such acts;

   c. the youth fails to cooperate or to positively respond to police intervention and direction;

   d. the youth has received prior informal warnings or referrals or has engaged in delinquent acts, and/or

   e. the youth's parents or responsible adult have apparently failed to provide appropriate control and supervision.

3. Officers may file delinquency charges against a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited as examples in item B-2 of this policy.

Officers should file delinquency charges against juveniles when they commit:

a. acts that if committed by an adult would be felonies;

b. delinquent acts involving deadly weapons;

c. serious gang-related offenses;

d. delinquent acts involving assault;

e. delinquent acts while on probation or parole or when they have charges pending against them;

f. delinquent acts as repeat offenders or when they have refused to participate in diversion or intervention programs; or

g. when it has been determined that parental or other adult supervision is ineffective.

4. An officer may also take a juvenile into custody if the youth is lost, seriously endangered or is a runaway. In all such cases these juveniles shall be held in non-secure custody and officers shall contact the child's parents or guardian as soon as possible. Where parents or guardians cannot be contacted or refuse to accept custody, the officer shall contact the departmentally approved youth services agency for placement.

5. In cases of alleged child abuse, officers shall contact a youth officer or their immediate supervisor in order to conduct an investigation of the complaint unless probable cause justifies immediate action in order to protect the safety and well-being of the child.

C. Status Offenses

1. Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile and other relevant factors, an officer may release a juvenile to the juvenile’s parents, guardian, or other responsible adult.

2. Juveniles taken into custody for status offenses should normally be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer or others.

3. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.

4. Juveniles taken into custody for status offenses shall be held in non-secure custody as provided by state law and for the briefest time necessary to conduct identification, investigation and related processing requirements to facilitate their release to a parent or responsible adult or transfer to a juvenile facility.

5. Transportation of a juvenile in a caged vehicle is not considered secure custody.

6. Status offenders and other juveniles taken into temporary non-secure custody for noncriminal-type offenses should not be fingerprinted or photographed for purposes of record.

7. Status offenders in temporary custody shall not be placed in a holding area with adult suspects and shall also be:

   a. under constant supervision;

   b. afforded reasonable access to toilets and washing facilities;

   c. provided food if in need of nourishment to include any special diets necessary for health or medical purposes;

   d. provided with reasonable access to water or other beverages; and

   e. allowed reasonable access to a telephone.

D. Criminal-type Offenses

1. Juveniles arrested for criminal-type offenses are subject to the same security requirements as adults and may be handcuffed or otherwise restrained as necessary during transport and processing.

2. Juveniles accused of criminal-type offenses may be securely detained only for the period of time and in the manner prescribed by state law to allow for identification, investigation, processing and release to parents or a responsible adult, or transfer to the juvenile facility or court.

3. Fingerprints and photographs shall be taken of all juveniles taken into custody for criminal-type offenses. The fingerprint card and

mug shot shall be marked “Juvenile” and shall be maintained in this agency's central repository for such purposes separately from adult fingerprints and mugshots and shall be subject to controlled dissemination as provided by state law.

4. The Bastrop ISD Police Department does not maintain or operate secure detention facilities for either juveniles or adults. Therefore, Bastrop ISD Police officers will only detain juveniles in the following manner:

   a. Field detention for investigation;

   b. Non-secure detention only for the limited time necessary to complete investigation and identification procedures;

   c. Secure detention in a state approved juvenile detention facility; or

   d. Transportation directly to one of the above.

5. If, prior to or during questioning the juvenile, the juvenile’s parents or responsible adult express the desire to speak with an attorney, all questioning shall cease and shall not be renewed until permission is granted.

6. In the absence of a parent or guardian, a juvenile may be questioned and may provide statements if reasonable assurances can be made that the juvenile fully understands the juvenile’s constitutional rights. If possible, the questioning should be recorded in its entirety.

7. Interview of juveniles should not extend over periods of time that could be considered unreasonable or harassing and, whenever possible, should be conducted by only one officer at a time.

8. The juvenile should be informed of the procedures that will be followed with regard to custody, release and transport to another facility or to a custody hearing.

E. Recordkeeping

1. Officers who select noncustodial alternatives or engage in informal enforcement contacts with juveniles shall complete appropriate field interview and/or incident reports as required by this agency. These reports shall clearly identify the juveniles involved, the nature of the incident and the rationale for the officer's disposition.

2. Juveniles taken into custody for criminal-type offenses shall be subject to the same reporting requirements as adults. Such reports shall be clearly marked "Juvenile," maintained in a separate location from adult arrest records and be subject to state law regarding dissemination and access.

3. Records or information pertaining to or identifying juveniles is confidential under law. Such information will not be released to the public or to any person other than Court personnel or juvenile authorities without the express authorization of the Chief of Police or the Superintendent except that certain records may be released in accordance with Section 58.007 of the Family Code. Employees who are unsure of the application of applicable law will consult with the Chief of Police or the Superintendent prior to releasing or refusing to release juvenile records.

	Subject: Prisoner Transportation	Issue Date: 11/30/2015
	Chapter: 13	Revision Date: 06/01/2020
	Policy: 13.4 Reference: TBP: 10.01, 10.10, 10.12, 10.17	Total Pages: 8 Chief Bunch's signature

Prisoner Transportation

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, such as the county jail, to a hospital, doctor, dentist 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. Unless no other type of vehicle is available, all prisoners shall be transported in secure, caged vehicles.

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 the prisoner into the vehicle. Officers must never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner. The transporting officer shall conduct a search of the prisoner each time the prisoner enters custody of the officer.

2. When handling and searching prisoners, officers shall remain mindful of the department's infectious diseases exposure control plan and shall use personal protective equipment when necessary.

3. 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 weapons or contraband are available to the prisoner. Further, after delivering the prisoner to the prisoner's destination, officers shall again search the police vehicle to ensure that the prisoner did not hide contraband or other evidence. (TBP 10.01)

D. Transport equipment

1. Most marked vehicles are equipped with a metal or plastic screen separating 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 screen barriers and used in transporting prisoners have the rear interior door and window handles removed in order to minimize the risk of escape by prisoners while transporting.

3. Vehicles used for transporting prisoners should be checked for proper security measures and any contraband at the beginning of each shift and before transporting prisoners.

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 seat belts. Prisoners shall be handcuffed with their hands behind their backs, palms outward, except for the exceptions detailed in Policy 13.5.

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 the prisoner's hands behind the back, palms outward. A single officer shall never transport two or more suspects in a non-caged vehicle unless directed by the on-duty supervisor.

3. If more than one officer transports prisoners in a non-caged vehicle, the following procedures shall be observed.

    a. One officer shall be positioned in the rear of the transporting vehicle behind the driver with the prisoner (seat belted) on the rear passenger side.

    b. In a situation where more than one prisoner is transported by two officers in the same vehicle, the prisoners shall be positioned on the front and rear passenger side (seat belted) and the assisting officer should be positioned behind the driver's seat in order to see the prisoners at all times and protect the driver.

4. 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. During custody and transportation, officers shall continually observe the prisoner, even when it becomes necessary to allow the prisoner the use of a toilet.

2. If a prisoner appears lethargic, particularly after an active confrontation with officers, or appears unresponsive, immediate medical help may be necessary. Observe the suspect carefully and if the officer is in any doubt about the prisoner's health, summon medical assistance immediately. Officers should ask an apparently ill prisoner if the prisoner 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 medical or mental health state.

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 when:

   a. A need exists for the transporting officer to act immediately in order 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 all of 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 (TBP: 10.17)

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. The transporting officer shall immediately 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.

2. Try to recapture the escapee as soon as possible.

    a. The transporting officer shall submit a written report to the chief of police as soon as practicable explaining the circumstances of the escape.

3. Prisoner communication

    a. The transporting officer shall not allow prisoners to communicate with other people while in transit unless the situation requires it. The officer shall use judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

I. Arrival at destination

When transporting prisoners from one facility to another, 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 are none, secure firearms inside the locked trunk of the police vehicle.

2. Restraining devices shall be removed only when 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.

J. Sick/injured prisoners and medical facilities

1. At any time before, during or after the 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 arrival there.

2. The transporting officer shall use discretion in applying restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be incapacitated, restraining devices may not be appropriate. As a rule, do not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.

3. If the prisoner refuses treatment, the prisoner shall be asked to sign a Medical Refusal or notation of such on a hospital release form. Have the attending physician or a nurse sign the form as witnesses. If the prisoner refuses to sign the form, obtain two witnesses to the refusal (hospital staff, another officer or fire/rescue personnel). The form must be given to the jail during booking.

4. If the prisoner must be admitted to the hospital, the officer shall release the prisoner only after consulting the on-duty supervisor. The supervisor, in turn, shall consult a magistrate. 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 guards. Request the presence of a magistrate and arrange for the magistrate's transportation to the hospital so that bail can be set.

    b. Assist the magistrate in arraigning the prisoner, if necessary, or stand by while the magistrate issues a warrant.

    c. Serve the warrant, if one has been issued. If the magistrate will not release the arrestee on personal recognizance, then maintain the guard until the prisoner makes bond or the case is filed. When the case is filed attempt to transfer responsibility to the Sheriff's Office.

    d. Until relieved by the sheriff's office, the supervisor shall brief every officer on the duties of guards and shall ensure that guards have radios.

    e. The supervisor shall ensure that guards are checked periodically and relieved as necessary until sheriff's deputies relieve them.

    f. The prisoner shall be kept under observation at all times and, normally, restraining devices shall be used. Officers shall consult with medical personnel concerning the use of restraining devices.

K. 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:

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.

iii. Upon arrival at the destination, contact the dispatcher by radio and request that the time and the odometer reading be logged.

L. Prisoner with disabilities

1. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport conveniently, comfortably and safely for both the prisoner and the officer. The officer may request the dispatcher to contact the fire department or ambulance for assistance in transporting. The transporting officer shall take whatever special equipment or medicine is necessary for the prisoner.

2. 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 then restraining devices may be inappropriate.

3. Any wheelchairs, crutches, prosthetic devices and medication shall be transported with, but not in the possession of, the prisoner.

4. Transportation of dangerous/security-risk prisoners. When a prisoner is considered dangerous or a security hazard, the receiving agency or the sheriff's courtroom security personnel shall be notified before the transport takes place in order to plan how best to minimize any chance of escape or injury to the prisoner or anyone else.

5. 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.

M. Restraining devices

1. When prisoners are restrained during transport, the following procedures shall be followed unless circumstances require an alternate method.

    a. A single prisoner shall be handcuffed with both hands behind the prisoner's back.

    b. Leg and waist belt restraints may also be used in order to minimize the risk of injury or escape.

    c. 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.

    d. Officers shall use ankle shackles or plastic handcuffs to immobilize legs when transporting any prisoner that might pose an escape risk.

N. Documentation

Officers shall document all prisoner transports and shall note any unusual circumstances or events in the arrest report. Officers shall document the circumstances of any apparently ill or injured prisoners and their medical treatment. Officers will give names (and badge numbers, as appropriate) of personnel from and to whom the prisoner was released or transferred.

	Subject: Prisoner Restraints	Issue Date: 11/30/2015
	Chapter: 13	Revision Date: 06/01/2020
	Policy: 13.5	Total Pages: 4 Chief Bunch's signature

PRISONER RESTRAINTS

I. POLICY

The officer's responsibility for the safe custody of prisoners permits some discretion in the use of handcuffs and 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 other location. See also Policy 13.4, Prisoner Transportation.

II. PURPOSE

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. If a prisoner is not handcuffed, the prisoner shall be transported in a vehicle with a prisoner cage and two officers shall conduct the transport. Officers must be able to justify exceptions without unduly risking safety.

2. Juveniles should not be handcuffed unless they have been taken into custody for a violent offense or pose an escape risk or the officer reasonably believes handcuffing is necessary for the safety of the juvenile or officer.

B. Handcuffs

1. In most circumstances safety concerns mandate that arrested subjects should be handcuffed. Officers must be able to justify

exceptions without unduly risking safety. Some possible exceptions are:

a. Children under 10 years of age;

b. Pregnant females;

c. Handicapped or disabled suspects; or

d. Elderly suspects.

2. Normally, officers shall handcuff a subject with the hands in back, but the officer may choose to handcuff hands in front due to the suspect's handicap or disability. If handcuffed in the front, officers should attempt to secure the handcuffs to the body by use of a belt if possible.

3. When a suspect is handcuffed, officers should double lock the handcuffs. This will help ensure prisoner and officer safety. Double locking reduces the chance of picking the lock or of the handcuff accidentally tightening, further restricting circulation.

4. Officers shall apply the handcuffs according to recognized professional standards, always striving to avoid hard strikes to wrists with handcuffs and over-tightening of 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, yet restricts 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.

E. Plastic / Shoelace Handcuffs

Plastic/Shoelace 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 only be removed 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 only be applied to a prisoner's legs when the officer feels that the prisoner poses an imminent threat of physical harm to the prisoner or another with the use of the prisoner's feet or legs, or when the prisoner attempts to damage the inside of the patrol car during transport.

3. A prisoner that requires the hobble device requires a two officer transport so that one officer can monitor the status of the prisoner while in transport, e.g. prevent prisoner head strikes against windows etc.

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 potential suspects while officers investigate an incident. Officers should be able to articulate the reasons for their safety concern. Persons not arrested but who are subject to investigative detention may be restrained under the following circumstances.

1. Suspects shall be handcuffed only as long as necessary to accomplish the investigative goal.

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 to accomplish the investigation.

B. 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

A. Restraint prohibitions

1. Officers shall not place suspects in a prone position with the hands and ankles bound from behind with handcuffs, belts or other devices.

2. As soon as any suspects who are lying on their stomachs have been handcuffed, officers shall roll the suspects onto their sides or place the suspects in a sitting position. Suspects shall never be transported in a prone, face down position.

3. 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 restrained. All suspects will be monitored during custody and transport for indications of medical problems and medical treatment obtained if required.

`	Subject: Mentally Ill Persons	Issue Date: 11/30/2015
	Chapter: 14	Revision Date: 06/01/2020
	Policy: 14.1	Total Pages: 9 Chief Bunch's signature

MENTALLY ILL PERSONS

I. POLICY

It is the policy of this Department to protect an emotionally or mentally unstable person from harming themselves, others or property. Police work brings officers into contact with persons who are emotionally or mentally unstable. This instability may be due to any number of factors, including alcohol/drug dependency, emotional trauma or some form of mental illness. Our primary concern in these cases is the safety and welfare of that person, the community and the officer. When an officer has probable cause to believe that an emotionally or mentally unstable person presents an immediate threat of harm to the person or another person, the person shall be taken into protective custody and transported to a facility where trained professionals can evaluate the emotional and mental status of that person.

II. PURPOSE

To provide officers with guidance on the handling of calls involving the mentally ill.

III. PROCEDURES

A. Recognizing Abnormal Behavior

1. Mental illness is often difficult for even the trained professional to define in a given individual. Officers are not expected to make judgments of mental or emotional disturbance but rather to recognize behavior that is potentially destructive and/or dangerous to self or others. The following are generalized signs and symptoms of behavior that may suggest mental illness although officers should not rule out other potential causes such as reactions to narcotics or alcohol or temporary emotional disturbances that are situationally motivated. Officers should evaluate the following and related symptomatic behavior in the total context of the situation when

making judgments about an individual's mental state and need for intervention absent the commission of a crime.

2. Degree of Reactions. Mentally ill persons may show signs of strong and unrelenting fear of persons, places or things. The fear of people or crowds, for example, may make the individual extremely reclusive or aggressive without apparent provocation.

3. Appropriateness of Behavior. An individual who demonstrates extremely inappropriate behavior for a given context may be emotionally ill. For example, a motorist who vents frustration in a traffic jam by physically attacking another motorist may be emotionally unstable.

4. Extreme Rigidity or Inflexibility. Emotionally ill persons may be easily frustrated in new or unforeseen circumstances and may demonstrate inappropriate or aggressive behavior in dealing with the situation.

5. In addition to the above, a mentally ill person may exhibit one or more of the following characteristics:

    a. abnormal memory loss related to such common facts as name, home address, (although these may be signs of other physical ailments such as injury or Alzheimer's disease);

    b. delusions, the belief in thoughts or ideas that are false, such as delusions of grandeur ("I am Christ.") or paranoid delusions ("Everyone is out to get me.");

    c. hallucinations of any of the five senses (e.g. hearing voices commanding the person to act, feeling one's skin crawl, smelling strange odors, etc.);

    d. the belief that one suffers from extraordinary physical maladies that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time; and/or

    e. extreme fright or depression

B. Determining Danger

1. Not all mentally ill persons are dangerous while some may represent danger only under certain circumstances or conditions. Officers may

use several indicators to determine whether an apparently mentally ill person represents an immediate or potential danger to the person, the officer, or others. These include the following:

a. The availability of any weapons to the suspect.

b. Statements by the person that suggest to the officer that the individual is prepared to commit a violent or dangerous act. Such comments may range from subtle innuendo to a direct threat that, when taken in conjunction with other information, paint a more complete picture of the potential for violence.

c. A personal history that reflects prior violence under similar or related circumstances. The person's history may be known to the officer, or family, friends or neighbors may be able to provide such information.

d. Failure to act prior to arrival of the officer does not guarantee that there is no danger, but it does in itself tend to diminish the potential for danger.

e. The amount of control that the person demonstrates is significant, particularly the amount of physical control over emotions of rage, anger, fright or agitation. Signs of a lack of control include extreme agitation, inability to sit still or communicate effectively, wide eyes and rambling thoughts and speech. Clutching one's self or other objects to maintain control, begging to be left alone or offering frantic assurances that one is all right may also suggest that the individual is close to losing control.

f. The volatility of the environment is a particularly relevant factor that officers must evaluate. Agitators that may affect the person or a particularly combustible environment that may incite violence should be taken into account.

IV. APPROACH AND INTERACTION – General Guidelines

A. The following general guidelines detail how to approach and interact with a person who may have mental illnesses and who may be a crime victim, witness or suspect. These guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations. Officers, while protecting their own safety, the safety of the person with mental illnesses and others at the scene should:

1. Recognize that these events are dangerous and officers must be prepared to protect themselves and others. The person may be suffering from mental instability, extreme emotions, paranoia, delusion, hallucinations or intoxication;

2. Remain calm and avoid overreacting, surprise may elicit a physical response, the person's "fight or flight" may be engaged;

3. Approach the individual from the front, be helpful and professional;

4. Provide or obtain on-scene emergency aid when treatment of an injury is urgent;

5. Check for and follow procedures indicated on medical alert bracelets or necklaces;

6. Indicate a willingness to understand and help, use active listening, and paraphrase responses;

7. Use the person's name and your name when possible, speak slowly, simply and briefly, and move slowly;

8. Remove distractions, upsetting influences and disruptive people from the scene;

9. Understand that a rational discussion may not take place;

10. Recognize that sensations, hallucinations, thoughts, frightening beliefs, sounds ("voices") or the environment are "real" to the person and may overwhelm the person;

11. Be friendly, patient, accepting, and encouraging, but remain firm and professional;

12. Be aware that their uniform, gun, and/or handcuffs may frighten the person with mental illnesses and attempt to reassure the person that no harm is intended;

13. Attempt to determine if the person is taking any psychotropic medications;

14. Announce actions before initiating them;

15. Gather information from family or bystanders;

16. Use patience and communications to control, use physical force only as a last resort;

17. Don’t be afraid to ask direct questions about what the person is experiencing, e.g. “Are you hearing voices? Are you thinking of hurting yourself? Are you in need of something?”

B. While each incident will be different when dealing with a person who may have mental illnesses, officers should be aware that their own actions might have an adverse effect on the situation. Actions that officers should generally avoid include:

1. Moving suddenly, startling the person, giving rapid orders or shouting;
2. Forcing discussion;
3. Cornering or rushing;
4. Touching the person (unless essential to safety);
5. Crowding or moving into the person’s zone of comfort;
6. Expressing anger, impatience, or irritation;
7. Assuming that a person who does not respond cannot hear;
8. Using inflammatory language, such as “mental” or “mental subject”;
9. Challenging delusional or hallucinatory statements;
10. Misleading the person to believe that officers on the scene think or feel the way the person does.

C. The Department shall provide training to all Department personnel. This training shall be provided to all newly hired personnel during their first week of employment, with refresher training given to all personnel at least every three (3) years.

V. EMERGENCY APPREHENSION AND DETENTION

A. HSC 571.003 defines “Mental illness" as an illness, disease or condition, other than epilepsy, senility, alcoholism or mental deficiency, that:

1. substantially impairs a person's thought, perception of reality, emotional process or judgment; or
2. grossly impairs behavior as demonstrated by recent disturbed behavior.

B. HSC 573.001 empowers peace officers to take into custody a person, without a warrant, if the officer:

1. has reason to believe and does believe that:

    a. the person is mentally ill; and

    b. because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and

    c. believes that there is not sufficient time to obtain a warrant before taking the person into custody.

2. A substantial risk of serious harm to the person or others under Subsection (a)(1)(B) may be demonstrated by:

    a. the person's behavior; or

    b. evidence of severe emotional distress and deterioration in the person's mental condition to the extent that the person cannot remain at liberty

3. The peace officer may form the belief that the person meets the criteria for apprehension:

    a. from a representation of a credible person; or

    b. on the basis of the conduct of the apprehended person or the circumstances under which the apprehended person is found

4. A peace officer who takes a person into custody shall immediately transport the apprehended person to:

    a. the nearest appropriate inpatient mental health facility; or

    b. a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available

5. A jail or similar detention facility may not be deemed suitable except in an extreme emergency.

6. A person detained in a jail or a non-medical facility shall be kept separate from any person who is charged with or convicted of a crime.

C. Juvenile Mentally Ill Patients

1. The emergency detention procedure for juveniles is the same as for adults.

VI. TAKING A PERSON INTO CUSTODY FOR EMERGENCY DETENTION

A. If an officer determines that an Emergency Detention is necessary, the following procedures will be utilized:

1. A minimum of two officers should be present before any action is taken to take the subject into custody.

2. Should a patient refuse an officer entry into the patient's home for the purpose of apprehension, the officer will not force entry unless a life is in immediate danger.

3. Take the person into custody and apply handcuffs for transport. Explain that handcuffs are necessary for everyone's protection. Use front cuff with belt restraint if possible. (If officers believe the subject will not resist, inform the subject of your intentions beforehand and explain your reasoning. If officers believe the subject will resist, immediate forceful action may be necessary to restrain the individual. Officer safety is paramount.)

4. Officers are reminded that the use of force is authorized to the extent necessary to take the subject into custody.

5. Proceed to the mental health facility and turn the subject over to the center staff.

6. Complete an Application for Emergency Detention. The application should detail the actions of the subject that led you to believe the subject was a danger to the subject or others.

7. Complete an Incident Report detailing the event and a copy of the petition shall be attached to the report.

8. Consider providing the mental health facility with a copy of your vehicle AVR tape for review by the interviewing doctor.

B. Physically Ill Mentally Disturbed Persons

1. When a mentally ill person is also physically ill or injured requiring transport by ambulance an officer will ride in the rear of the ambulance with the person.

VII. CRIMINAL OFFENSES INVOLVING THE MENTALLY ILL

A. Individuals who commit criminal acts but are believed by the officer to be exhibiting symptoms of mental illness and are an immediate danger to themselves or others should be taken into custody and taken to the mental health facility under an Application for Emergency Detention. The officer will prepare an offense report providing all the details of the offense and the subject's behavior. Should the individual be determined to be competent

after evaluation, the individual shall be filed on for the offense and a warrant obtained for the individual's arrest.

B. Individuals who commit criminal acts and are believed by the officer to be exhibiting symptoms of mental illness but there is no evidence that the person is an immediate danger to themselves or others:

1. If the offense is a misdemeanor, be released to a competent adult caregiver or booked into jail. If booked into jail, every attempt will be made to locate a caregiver and release the person to the caregiver on personal recognizance.

2. If the offense is a felony, the individual will be booked into jail and every attempt will be made to contact a caregiver. The individual will be required to make bond.

3. In cases of family violence, a supervisor or the Chief of Police should be consulted to determine an appropriate response.

4. In any case where a suspected mentally ill individual is booked into jail, the individual shall not be housed with other inmates. Every effort will be made to monitor the individual's safety and process the individual as quickly as possible to remove the individual from the facility.

5. Suspected mentally ill, non-violent juveniles who are being cared for by a responsible person will not be detained unless a felony has been committed.

6. Suspected mentally ill, violent juveniles, or those who have committed a felony, will be transported to the mental health facility.

VIII. REPORTING

A. If a criminal incident involving a mentally ill person is reported, all pertinent information involving the offense must be included in that report.

B. Certain individuals may habitually display unusual behavior which is and may become well known to the Department.

C. Any information which is requested to be included into the Record Management System (RMS) regarding a mentally ill person who is a hazard to police officers should be accomplished in writing by a supervisor to the Communications Supervisor.

IX. REFERRALS TO MENTAL HEALTH FACILITIES

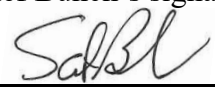
A. When a police employee receives a telephone call and the caller appears to be mentally disturbed or irrational:

1. Obtain the caller's name, telephone number and address or location from where the individual is calling.

2. If the caller indicates that the caller's or another life may be in danger, an officer will be sent and the on-duty patrol supervisor advised of the situation.

3. If the caller is not an immediate threat to themselves or others, a suggestion can be made to contact a local mental health center for assistance.

4. Attempted Suicide: When an officer is dispatched to a call in which a person has attempted suicide or is threatening suicide, the officer shall make certain that the immediate situation is stabilized. The officer shall also attempt to locate a relative, close friend or other responsible party that is available. The officer shall then contact the appropriate mental health facility/provider for assistance and/or emergency detention. An Incident Report shall be completed regarding the attempted suicide.

	Subject: Search Warrants	Issue Date: 11/30/2015
	Chapter: 15	Revision Date: 06/01/2020
	Policy: 15.1 Reference: TBP: 7.06	Total Pages: 12 Chief Bunch's signature 

SEARCH WARRANTS

I. POLICY

The federal and state Constitutions guarantee all persons the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. Supreme Court decisions regarding search and seizure place the responsibility on the police to ensure that person's Fourth Amendment rights are protected. Officers shall scrupulously observe constitutional guidelines when conducting searches and always remain mindful of their lawful purpose. Search warrants, in particular, are one of the most valuable and powerful tools available to law enforcement officers. Because of the potential harm to members of the community, the risks to officers' safety and to the department image in the community, officers shall have a thorough knowledge of the legal requirements in obtaining and executing search warrants.

II. PURPOSE

The purpose of this general order is to establish guidelines and procedures which 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 the officer to search for any property or thing and to seize the same and bring it before such magistrate or commanding the officer to search for and photograph a child and deliver to the magistrate any of the film exposed pursuant to the order.

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, preparing, planning and implementing the search warrant.

D. SRT 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: Quick and limited search of premises incident to an arrest or service of a warrant performed in order to identify weapons or other dangers to officers or others. Officers must be able to articulate a reasonable basis for conducting a protective sweep.

F. Curtilage: Curtilage usually refers to the yard, garden or piece of ground which adjoins a private residence. While the term has no absolute definition that applies under all circumstances, the curtilage of a private residence, for instance, is determined by whether the area 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 or for specified places, things or persons and seizure there from 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.

B. Supreme Court decisions

1. The Supreme Court of the United States issues decisions which 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 was reasonable. The court will examine reasonableness according to 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 15.2.

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 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 SRT 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 carefully document in an affidavit 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 which address the reliability of the source of the officer's information.

3. The court considers only those facts presented in the warrant and affidavit. Conclusions and suspicions are not facts. Facts must be recent.

4. Apart from the officer's personal knowledge or observations, facts may derive from a reliable informant.

5. Reliability of facts is established by:

    a. Personal observation or knowledge by an officer.

    b. Eyewitnesses who have first-hand knowledge.

    c. Informants (if proven reliable or corroborated by personal observation of an officer).

D. Affidavits

1. The accuracy of the affidavit is vital to the validity of the search warrant. On the designated form, officers shall provide the information listed below. 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 searched for.

    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 constitutes evidence of the commission of the offense.

    e. Material facts which would show that there is probable cause for issuing the search warrant.

    f. Facts that establish probable cause and that the item 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 15.2). The warrant shall specify the areas to be searched and the areas shall be precisely stated. If officers wish to search a home and its surroundings, the affidavit must specify a "premises" search and its curtilage and must identify outbuildings or garages as appropriate.

2. If motor vehicles to be searched are on the premises, the warrant shall so specify.

3. 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, then probable cause to do so must be justified in the affidavit.

4. The items to be searched for shall be precisely described. If an item to be searched for may be dismantled (e.g., firearms), then the warrant must specify the search for parts, pieces or components of the item.

5. If officers anticipate searching for and seizing computers or similar, complex technology, then 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.

6. If time and opportunity permit, the affidavit and warrant should be reviewed by the prosecuting attorney or legal counsel prior to presenting it to a magistrate.

7. 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 specific individuals will or will not be present. (Example: 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 or videotape 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. The lead detective shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.

2. The search team shall first deploy around the premises to be searched, ensuring that all exits are covered. Uniformed officers shall be the most visible members of the search team and shall conduct the initial entry.

3. In most cases the officer shall do all of the following before entering the premises to be searched:

a. The officer must announce the officer's presence as a law-enforcement officer.

b. The officer must announce that the officer's 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.

4. When entrance is refused

   If the officer is refused entrance after a reasonable time, the officer may use force to enter the premises using force applicable to the circumstances. "Reasonable time" in this context depends on the circumstances. A refusal may be expressed or implied. A refusal can be implied in two circumstances:

   a. No one has admitted the officer within a time in which it would be reasonable to expect someone to let the officer in if the officer 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.

5. No-knock or exigent entry

   In some circumstances a police officer may enter the premises to be searched without announcing the officer's 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 the supervisor to believe that an announcement would result in:

   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.

6. If circumstances require a no-knock or exigent entry, then the first officer to cross the threshold into the premises shall announce that law-enforcement officers are executing a warrant. Officers shall also command the occupants to take the appropriate action to ensure their safety, 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. Once all the evidence being searched for is located the search must cease at that point.

5. Officers shall not use a search warrant to conduct a fishing expedition, i.e., if the search warrant is for a television, or large item, small places such as jewelry boxes may not be searched.

6. 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 which the officer knows or has probable cause to believe is evidence of another crime.

7. Cash and currency taken as evidence shall be verified by a supervisor and be transported to a separate safe as designated by department policy.

    a. 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 shall be made to guard the premises until it can be secured.

    b. 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.

8. 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, give rise to probable cause to search that person beyond a frisk for officers' 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, the detainee may be arrested and the detainee's 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. Mere presence on premises does not constitute probable cause.

VII. PROCEDURES: High Risk Warrant Execution

A. A high risk warrant is 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 and/or deadly force. This suspicion should be corroborated by intelligence information (i.e., CCH, C.I. statements, history of location, Detective's personal knowledge).

B. High risk search warrants will utilize SRT (or the appropriate tactical unit within the jurisdiction) for entry and the securing of the premises.

C. The supervisor in charge of the warrant's execution will notify the SRT Commander through the proper channels and will provide a copy of the warrant and affidavit.

D. Upon notification by any supervisor that SRT will be needed to execute a warrant, the SRT Commander will contact the lead Detective and obtain the details of the warrant execution. This will include a physical inspection of the target and verification of the address and physical description.

1. Upon completion of the scouting report, together they will formulate a plan of execution.

2. The SRT Commander will notify the number of SRT officers required and when/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 include the supervisor in charge of the warrant's execution, the lead Detective, the SRT Commander, the communications supervisor and all officers participating in its execution or who will be at the scene.

1. They shall detail procedures for executing the warrant to all team members in a warrant service briefing. The plan briefing shall be conducted by both the lead Detective and the SRT Commander and 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. 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. Personnel, resources or armament necessary for gaining entry, safety and security of officers or for conducting the search.

f. If a joint agency task force operation, all officers participating in the warrant service shall be present and identified as members of the warrant service team.

g. Contingency plans for encountering hazardous materials, canines, booby traps, fortifications or related hazards; 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 where 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. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed.

5. The lead Detective shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.

6. The lead Detective shall ensure that the entire search warrant execution process is documented until the search team leaves the premises. A 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 the officer is a police officer and has a warrant to search the premises and that the officer demands entry to the premises at once.

4. 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 to believe that the delay would create unreasonable risks to the officers or others, inhibit the effectiveness of the investigation or would permit the destruction of evidence, entry may be made as soon as practicable.

5. 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. After an officer has finished a search, the officer shall perform the following:

1. Note the date of execution on the search warrant.

2. The officer must make an inventory of all the property seized and leave a copy with the person in charge of the premises.

3. Within three days following the execution of the search (excluding Saturdays, Sundays or legal holidays) make return of the warrant to the magistrate who issued the warrant. 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. All property seized must follow a rigorous chain-of-custody procedure. 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. Observe the property and evidence procedures as detailed in Policy 16.1.

	Subject: Search Incident to Arrest and other Searches Without Warrant	Issue Date: 11/30/2015
	Chapter: 15	Revision Date: 06/01/2020
	Policy: 15.2 **Reference:** TBP: 7.07, 10.14, and 10.15	Total Pages: 12 Chief Bunch's signature

SEARCH INCIDENT TO ARREST AND OTHER SEARCHES WITHOUT WARRANT

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 15.1.

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 12.2 where, if during an investigative stop, an officer has reasonable suspicion that an individual may be armed with a weapon the officer may conduct a limited pat-down of the individual's clothing to protect the officer. Other exceptions to the search warrant requirement are provided in this policy.

II. PURPOSE

To establish guidelines for searches incident to arrest and other searches without a warrant.

III. SEARCH INCIDENT TO ARREST

A. The general rule is that a reasonable search may follow a valid arrest. The officer has the authority to make a search which 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 which 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 permissible places:

1. The entirety of the person being arrested.

2. The area within the immediate control of the person being arrested into which the suspect might reach for a weapon or for evidence.

D. Accessories carried by the suspect may be searched incident to a full custodial arrest for the accessories 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 if:

1. The arrested vehicle occupant is unsecured and within arm's reach of the passenger compartment at the time of the search, or

2. The officer has a reasonable belief that *evidence related to the crime of the arrest* is located within the passenger compartment.

3. Once an occupant has been secured and is unable to effectively reach the passenger compartment, the authority to search the vehicle for safety reasons is removed. Officers may conduct a search of a vehicle passenger compartment in such circumstances if other warrantless search exceptions apply or by obtaining a search warrant.

F. Strip searches (TBP: 10.14)

1. Strip searches shall not be conducted of persons arrested for traffic violations, Class C or B misdemeanors; unless the officer has an articulable, reasonable suspicion to believe 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 narcotics offenses or violence.

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. No strip searches will be conducted in the field.

3. In every case, the on-duty or on-call supervisor must review the need and expressly authorize the strip search.

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

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

5. Following a strip search, the officer performing the search shall submit a written report to the 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. Body-cavity searches (TBP: 10.15)

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 and 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 warrant is 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 the officer's intention to conduct a body-cavity search thus giving the prisoner the opportunity to voluntarily surrender the suspected contraband.

IV. OTHER WARRANTLESS SEARCHES

A. Consent Searches

A search warrant is not necessary where a person who has authority or control over the item or place searched consents to the search. Note that the officer does not have to have reasonable suspicion nor probable cause to request a consent search: the officer 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 only give consent for a search of that part.

    b. If two people have joint ownership of property, either person may give consent if that person is the only one present. If possible, have all the consenting parties present sign a written permission to search form. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.

    c. 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.

    d. A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use if the person is the only one present. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.

    e. 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, the child may legally object to the search of an area that is jointly owned or possessed.

    f. An employee cannot give valid consent to a search of the employer's premises unless the employee has been left in custody of the premises.

    g. An employer may generally consent to a search of premises used by employees, except premises used solely by another employee (e.g., a locker).

    h. 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 may have the burden of demonstrating voluntariness.

i. 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.

j. Refusal to give consent, in itself, cannot justify further law-enforcement action.

k. 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 (i.e., obtaining a search warrant or some other exception to the search warrant requirement) before proceeding with the search.

c. If a police officer proceeds to search on verbal consent, it should be remembered that the burden of proof is always on the government.

d. 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 (i.e., tape record the verbal consent, have an impartial third party witness the consent by signing the form).

e. Police officers should make every effort to minimize conditions which could be offered as "threat or intimidation"; such as:

i. Number of Police officers present (especially in uniform);

ii. Amount of force used to detain or arrest - i.e., displaying firearms, use of handcuffs, etc.;

iii. Language and tone of voice used in requesting consent;

iv. Other non-verbal communications.

B. Emergency searches

1. A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances."

2. Police officers may make a warrantless search of any person or anything, whether personal belongings, vehicles, or buildings, anytime they have a probable cause to believe it is necessary to save a life, prevent injury or prevent the destruction of evidence.

3. 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 unless:

i. Valid consent is given by a person with apparent authority to grant such permission, or

ii. There is reason to believe there is an immediate need to protect the safety of some person inside the location.

iii. Circumstances where alcohol and/or illegal drugs are present and the health and safety of minors is a legitimate concern.

b. If the offense is a felony, police officers will not enter unless:

i. Valid consent is given by a person with apparent authority to grant such permission.

ii. There is probable cause to believe the destruction of contraband or other evidence is imminent if it is not immediately recovered, or

iii. There is reason to believe there is an immediate need to protect the physical safety of some person inside the location.

c. Where police officers enter private property under felony circumstances as described above and misdemeanor violations are also observed, they may take appropriate action with regard to all criminal conduct regardless of the kind of offense or the age of the individuals engaged in any criminal or status offense.

4. If officers enter premises with probable cause to believe that critical evidence may be destroyed or removed unless immediate action is taken, they may enter without a warrant, secure premises, and obtain a search warrant before proceeding further unless they have obtained consent to search or some new circumstances arise necessitating another warrantless search.

C. Plain view

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

1. From a lawful vantage point, the officer must observe contraband left in open view; and

2. It must be immediately apparent to the officer that the items the officer observes may be evidence of a crime or contraband or otherwise subject to seizure.

D. Plain feel

During a lawful frisk (stemming from a lawful stop), if an officer detects an object that is or might reasonably be an item that is contraband or other criminal evidence then the object may be seized. Threatening items such a weapons may always be removed during frisks. Non-threatening items may be removed only if their contraband or evidentiary nature is immediately apparent.

E. Abandoned property and open fields

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

1. To constitute abandoned property, three conditions must apply:

a. Property was voluntarily abandoned.

b. The abandonment was not a result of police misconduct.

c. Property was discarded outside the area in which someone has a reasonable expectation of privacy.

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 which is necessary, convenient and habitually used by the family for domestic purposes. The extent of curtilage of a private residence is determined by whether the area 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. Note that under some circumstances surveillance (e.g., aerial surveillance) of activities within curtilage may take place without a warrant.

V. VEHICLES

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 whenever sufficient time exists to obtain one. Nevertheless, 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.

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.

C. When warrantless vehicle searches may be performed

1. As noted earlier, warrants shall be obtained to search vehicles, if feasible, unless an emergency exists. Any vehicle that has been disabled with little chance of its being driven away shall be searched with a warrant. In all other cases, vehicles may be searched without a warrant with the following limitations:

    a. With a warrant, a search may extend anywhere within the vehicle, unless limited by the warrant itself.

    b. When probable cause exists, a search may extend anywhere within the vehicle, unless the probable cause is limited to a specific part of the vehicle.

    c. When consent has been obtained from the driver, officers may search the vehicle subject to any limitations specified by the consenting person. Consent shall be obtained in writing, if feasible.

    d. Searches incident to the arrest of an occupant shall be limited to any area within reach of the arrestee. The area within reach is deemed to be the passenger compartment. The trunk, engine compartment and any locked compartments shall not be searched unless immediately accessible to the suspect. (See Section III above for a fuller treatment of searches incident to arrests and restrictions. Once an individual is restrained or removed from the immediate area of the vehicle the authority to search the area within reach is removed.)

    e. Frisks for weapons shall be confined to the passenger area. Any place not immediately accessible to the occupants, such as a locked glove compartment, shall not be frisked. If the contents of a container are immediately accessible to the subject, a closed container may be searched for weapons. Note that an officer can order the suspect from the vehicle and frisk both the suspect and the vehicle.

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

    g. 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.

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

D. 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 so permit 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.

E. Conduct of the vehicle search

1. When possible, searches of vehicles shall be conducted contemporaneous 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.

3. 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.

F. Vehicle Inventory

While not a search for evidence or contraband, a vehicle inventory may be conducted if the vehicle is to be impounded. Vehicle impound procedures are provided in Policy 8.2.

	Subject: Property and Evidence	Issue Date: 11/30/2015
	Chapter: 16	Revision Date: 06/01/2020
	Policy: 16.1 Reference: TBP: 12.01, 12.03, 12.04, 12.05, 12.06, 12.07, and 12.08	Total Pages: 25 Chief Bunch's signature 

Property and Evidence

I. POLICY

Proper documentation, collection, preservation and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene suspects are developed or eliminated, investigative leads are established and theories concerning the crime are substantiated or disproved. The purpose of Property and Evidence Management is to maintain those property items coming into the possession of the department in such a manner as to secure the items from theft, loss, or contamination and to maintain the items for easy retrieval as needed.

II. PURPOSE

The purpose of this order is to establish property room procedures and protect the integrity of the property and management system.

III. ORGANIZATION AND ACCOUNTABILITY

A. The Chief of Police will appoint a primary and alternate Property Custodian. The Property Custodian is responsible for maintaining security and control of property and evidence that the department acquires through normal duties and responsibilities. The alternate serves as backup when the assigned Property Custodian is unavailable.

B. The Property Custodian reports to the Chief of Police.

C. The Property Custodian shall satisfactory complete a TCOLE approved basic course on the management of the property function, on the job training and other related training courses, seminars and/or conferences as appropriate.

D. Duties and Responsibilities

1. The primary duty of the Property Custodian is to log, classify, store, dispense, destroy and release property and evidence to its rightful owner, for court presentation and/or for destruction or auction. Additional duties include but are not limited to the following:

    a. Maintain evidence or property in such a manner that the individual items are secure from theft, loss or contamination, and can be located in a timely manner.

    b. Maintain property reports and other documentation associated with the "chain of custody" for all property.

    c. Ensure the timely and legally correct notification of owners and release/disposal of property recovered, found or seized by the police services.

    d. Operate computer terminals to access information regarding case dispositions and other related information involving the classification and proper disposition of property/evidence.

    e. Coordinate the disposal of unclaimed and/or surplus property and the special disposal of narcotics, weapons, explosives and hazardous materials pursuant to law.

    f. Release of property for court, auction, disposal or person legally entitled to the item.

    g. Provide in-service training to department personnel regarding the appropriate logging, packaging, documenting and storage of property and evidence.

    h. Provide effective liaison between the department and local, county, state and federal law enforcement agencies.

    i. Represent the department while attending state and local associations involved with the management of property and evidence.

    j. Stay abreast of local, state and federal law involving property and evidence handling. Recommend and facilitate appropriate changes.

    k. Maintain a clean and orderly property storage facility

IV. FACILITIES SECURITY (TBP: 12.04)

A. Access

1. The Property Room is maintained as a secure location. Access to the Property Room and all other temporary or long-term property storage areas is restricted to the Property Custodian, and alternate Property Custodian. All other persons entering the property room will sign in and out on the Property Room entry log.

2. Other department personnel do not enter property storage areas unless escorted by a Property Custodian. Except for the Property Custodians, all Department personnel, visitors, contractors, etc. who enter the Property Room must be listed on the visitor's log (citing the date, duration and purpose of the visit).

3. Property or evidence is only removed from its storage location by the Property Custodian or the authorized designee.

4. The doors, gates or other closure devices to any storage area are secured whenever the Property Custodian or other authorized personnel leave or are not present.

B. Key Control

1. Two keys are required to open the main property room doors. The Property Custodian and alternate are the only individuals with both keys.

2. The keys to all other property storage facilities are kept in the key box located inside the main property room. The duplication or unauthorized possession of keys to secured property storage areas is strictly prohibited.

3. A complete set of other storage facility keys, safe combinations, alarm codes, etc. are in a sealed property envelope, initialed and dated by the Property Custodian and Investigations Supervisor. That envelope stays in the Police Chief's safe as a backup for property room personnel. Inspection of this envelope is part of all property room audits and inventories.

4. Property room personnel may not relinquish property room keys, combinations or alarm codes to anyone other than authorized personnel.

C. Alarms and Other Security Systems

1. The main property room has an internal audible alarm system. Only authorized personnel have access codes (codes change as required)

2. Authorized personnel entering the main property room deactivate the alarm keep it deactivated during normal business hours and when occupying the room.

3. The alarm system is activated upon closing, during non-business hours or whenever the property room is unattended.

4. The Property Custodian tests the alarm system at least once a month to ensure it is functioning.

5. Firearms storage is separate from other property in the property room, secured in the safe or long gun storage area. The safe remains locked at all times unless property is being stored, removed or inventoried.

6. Controlled substances storage is separate from other property in the property room and secured in the safe. The safe remains locked at all times unless property is being stored, removed or inventoried.

7. Money is separate from other property in the property room and secured in a locked safe. The safe remains locked at all times unless property is being stored, removed or inventoried.

V. CATEGORIES OF PROPERTY

A. For the purpose of these procedures, property in police custody falls into these categories:

1. Evidence. Evidence is property that comes into the custody of a police department employee when such property may tend to prove or disprove the commission of a crime, or the identity of a suspect, pursuant to an official criminal investigation. Evidence or assets seized for forfeiture are handled in the same manner as other evidence.

2. Found Property. Found Property is property of no evidentiary value, which comes into the custody of an agency employee and whose rightful owner may or may not be known to the finder or the department. Due diligence must be exercised to discover the rightful owner. If the owner cannot be located, the Department will dispose of the property in a time and manner prescribed by law.

3. Safekeeping. Safekeeping is property of no evidentiary value surrendered to an employee of this agency for temporary custody. This arrangement comes with the understanding that the person surrendering the property has the legal right to do so, and that the property will be returned to the rightful owner(s) at the end of a specified period; unless disposition by the Department, in a manner prescribed by law, is requested by the owner(s).

VI. DOCUMENTATION & RECEIPT OF PROPERTY (TBP: 12.01)

A. Documentation of Property

The police employee accepting that property documents the details upon taking property in to the Department. That report contains a description of the item, along with all other pertinent details of how the item came into possession. The report must also include complete information on the person who found the property or from whom it was seized or recovered.

B. Receipt of Property

1. The Property Custodian provides a receipt to any person when taking property regardless of the classification of that property.

C. Computer Inquiry & Entry

1. All employees make the appropriate inquiries to the TCIC on all serialized or identifiable items collected or seized prior to placing the item into storage. This determines if the property is reported stolen or otherwise entered into the statewide system.

2. Dispatch verifies all "hits" prior to confiscating the item. After verification, a dispatcher sends the "locate" information.

3. The offense and property report reflects the status of the property items. The report also indicates that a "locate" was sent to the originating agency. It is the originating agency's responsibility to update the TCIC information from stolen to recovered status.

D. Property Forms

The property and evidence function requires the use of the following forms:

1. Evidence Bags and Boxes

a. Evidence Bags and boxes serve as the primary method for submitting property for storage. A listing of the case number, date, location, applicable names, description of property and officer's name and ID number properly identify the property and its origin.

b. Chain of Custody Form submitted with each property container (bag, box, etc), tracks the movement or release of the item.

c. Property Tag. Officers affix a property tag securely to items that do not fit into evidence bags or boxes. This tag designates the case number, date of submission and name and ID number of the submitting officer.

d. Money Form. This form serves as the sole method for logging cash money into the property room. Cash is defined as coin and/or currency. Checks, credit cards or other negotiable items do not require the use of a money envelope. The Property Custodian does not accept money not packaged or logged appropriately, according to the following procedures:

    i. Itemize money by denomination, listing subtotals and total amounts.

    ii. All money logged into the property room requires at least two officers or employees to verify the count.

    iii. All money envelopes must contain at least two signatures verifying the amount listed and enclosed. The entering officer and verifying officer sign their names and numbers to the front of the envelope and seal the envelope with tamper-proof security tape. Both officers then initial the back of the envelope prior to entering it into the property locker. For accuracy, conduct two separate counts on large amounts of cash.

    iv. Extremely large amounts of coin and/or currency seized which, because of the container or quantity of money, make it impractical to package in a money envelope (e.g., coins stored in a large piggy bank or bottle, large amount of bills in a briefcase or satchel, etc.). In those rare cases, it is acceptable to log the

container as it. However, the need for a money count and money form still applies. Officers submitting the money secure the container with evidence tape to prevent tampering and tape the money form to the container.

v. Suspected counterfeit bills require a money form, but have no cash value. Make a notation on the outside of the money envelope reflecting that the contents contain suspected counterfeit bills.

vi. The money form is not for foreign currency. If used, the outside of the envelope reflects that the envelope contains foreign currency.

e. Property Receipt Form. The Property Receipt Form serves as a receipt for property taken into custody and documents the release of property to other entities. The Property Release Form also authorizes the release of property. No property is released without a completed release Form.

VII. LOGGING PROPERTY & EVIDENCE

A. Officers who seize property and are able to determine ownership in the field may release the property immediately to the owner if the property is not needed for prosecution in a criminal case. Officers should make contact with the investigating officer or the prosecuting attorney's office if necessary to determine prosecutorial need. If the property can be released in the field, the officer will complete a Property Release Form and have the owner sign for receipt of the property. The form will be turned in to the property room where the Property Custodian will enter the property into the system and show it released in the field. The Property Release Form will be forwarded to CID for inclusion in the case file. (TBP: 12.06)

B. Property that is seized by the department and not immediately released to the owner will be entered into the computer system and secured in the Property Room as soon after seizure as possible. Personal lockers, files or desks are not approved storage for property or evidence items. Officers will log all property and evidence into the property room before the end of their shift. (TBP: 12.03)

C. Maintaining property/evidence in a case file may be acceptable when it is necessary for the proper investigation of the case by the assigned Detective; however, the property/evidence must first be logged into the property system and then signed out. The Detective signing out the property /evidence is responsible for the evidence until returning it to the property room. The

Detective is also responsible for the integrity of the evidence while checked out.

D. Marking and Packaging

1. All collected property is marked for identification and packaged to avoid contamination.

2. Permanent and distinctive marks such as initials, ID numbers and case numbers should be marked directly on objects collected (when possible) without damaging the evidence.

3. When unable to mark the exhibit itself (such as in the case of stains, hair, blood, controlled substances, etc.), place the item in a vial, envelope, container or other suitable package, then seal and mark the container.

4. There are a variety of containers and materials for use in packaging physical evidence and other property. Officers strive to use the size and type container appropriate for the type of property. An assortment of packaging materials and supplies for this packaging are near the processing room. The Property Custodian is responsible for maintaining property packaging and storage supplies.

5. Always package FIREARMS, MONEY, AND CONTROLLED SUBSTANCES separately from other property or evidence items.

6. Firearms Evidence - The collection of firearms is appropriate for both criminal and non-criminal cases. Due to the very nature of these items, extreme care is taken to ensure the safe handling of the weapon and preservation of its evidentiary value.

    a. Firearms: NEVER PLACE A LOADED FIREARM INTO AN EVIDENCE STORAGE LOCKER. All firearms logged into evidence shall be placed into a designated firearms box and secured in that box with zip ties. Prior to being placed into evidence officers shall use the zip ties to secure the weapon with the breech opened and the zip ties running down the length of the barrel.

    Exception: Officers who cannot unload a weapon due to a mechanical defect must attach a warning note to the weapon indicating it is loaded. The Property Custodian arranges for the range master (or qualified designee) to unload the weapon prior to placing it in storage or transporting it to the laboratory. Unfired cartridges may be left in the magazine

provided the magazine is removed from the gun. Weapons are unloaded ONLY after noting the position of the bullets, empty cartridges, safety, bolt, breechblock, hammer, cylinder, magazine, etc.

7. Hazardous Materials / Devices: NEVER transport or store any unexploded (or suspected unexploded) device in or about the police facility. NEVER transport or store any Class A explosive such as dynamite, desensitized nitroglycerin, fireworks or black powder in or about the police facility.

8. Money: Itemize all monies by denomination and quantity on the approved money form before placing it into a property locker.

9. Jewelry: Package jewelry items individually in an envelope, box, bag or other suitable container as appropriate.

10. Bicycles: All bicycles or portions thereof retained by police services are placed into the departments' storage building inside of the fenced area. Different levels of security for the storage of bicycles may be utilized dependent on the property classification of the bicycle (Evidence vs. Found Property).

11. Motor Vehicles: Motor vehicles requiring retention are stored at an approved wrecker impound facility. Small motorized scooters are stored in departments' storage building inside of the fenced area. Note: Vehicles may be temporarily stored at a police facility while being processed during a crime scene search. The keys for motor vehicles retained as long-term evidence (homicides, fatal traffic accidents or serious hit and runs) remain in the ignition of the vehicle if mechanically feasible. Otherwise, those keys are logged into evidence. Vehicles that are intended to be seized are to be stored at the departments' storage building until a disposition can be obtained.

12. License Plates: License plates are the property of the Department of Motor Vehicles (DMV) from the state of jurisdiction. The public is permitted to use the license plate when the annual fees have been paid. License plates maintained as evidence are logged into evidence. Officers attempt to return found license plates to their owners. If that is not feasible, the officer logs the plates into property.

    The Property Custodian is then responsible for returning the plates to the owner or DPS.

13. Alcohol: Open containers of alcohol are not logged into the property room. The investigating officer pours out the contents at the scene.

The officer then describes the condition of the container and its contents in the police report. Officers avoid booking large quantities of alcoholic beverages into evidence. In rare situations when a sample of the evidence is necessary for prosecution, retain one unopened container (bottle, can, etc.), photograph and destroy the remainder on video.

VIII. TEMPORARY STORAGE FACILITIES

A. After property is marked for identification and packaged, officers deposit the property into one of the following temporary storage areas:

1. Metal Storage Lockers: Individual metal property lockers may be located in the wall of the property room. Officers lock the property into one of these lockers.

2. Large Enclosure: All bicycles, large items or parts thereof, are temporarily stored in the property room.

3. Refrigerator/Freezer: A refrigerator and freezer are located in the property room. Items that require refrigeration are placed into this temporary locker or, during normal business hours, given directly to the Property Custodian for securing in property.

4. Hazardous Materials Storage Locker

    a. All flammable materials are placed in the hazardous materials storage drums before being stored in the fenced property storage area.

    b. Fireworks are not stored, but instead photographed. Officers destroy all confiscated fireworks by drowning and physical destruction in view of a video recording device.

IX. PROPERTY ROOM COLLECTION, INVENTORY & STORAGE

A. Property Collection

1. On a daily basis, the Property Custodian or alternate inspects all temporary storage lockers, bins and annexes to remove and process all property items.

2. The Property Custodian or alternate also complete the following:

    a. Assigns a bar code label to each property item submitted,

b. Makes the appropriate entries into the automated property system,

c. Stores each item in the approved locations.

d. Arrange for transportation to the laboratory for examination as required, and

e. Arrange for destruction, release to owner, auction or other authorized disposition as appropriate.

B. Property Inventory

1. The Property Custodian accounts for every item submitted into the property system. This process begins at intake.

a. The Property Custodian or alternate compares items listed on the property forms with those actually found in temporary storage. If any item is missing, the Property Custodian immediately notifies the on-duty supervisor. The submitting officer and/or supervisor then correct the discrepancy.

b. If the Property Custodian cannot find a missing item(s), the item is entered into the "Unable to Locate" (UTL) file and the Property Custodian notifies the Chief of Police via email, explaining the circumstances surrounding the missing property. The supervisor forwards a copy of the email to the employee's supervisor. Property connected to the case will not be processed until the missing item(s) are found or the discrepancy has been corrected.

C. Improperly Submitted Property – "Right of Refusal"

1. Officers submit every item into property in a safe and thorough manner consistent with these guidelines and policy.

a. The Property Custodian has the authority to refuse acceptance of any property item submitted in an unsafe, incomplete or otherwise improper manner as defined in this manual.

b. Property room personnel SHALL NOT accept any money or controlled substances in which the seal, envelope, packaging or container has been opened, tampered with or otherwise improperly submitted.

c. The Property Custodian immediately notifies the on-duty supervisor, who follows up with the submitting officer's supervisor.

d. All personnel immediately correct a breach in safety protocol.

D. Property Storage

The following types of property and evidence are stored separately and according to the listed guidelines. Other miscellaneous types of property may be stored separately as the Property Custodian determines.

1. Firearms

a. The Property Custodian stores all firearms in containers (boxes) specifically designed for handgun, rifle and/or shotgun. Exceptions can be made for those weapons which, due to size or other considerations, are not compatible for storage in such containers. Officers will utilize zip ties to prevent the breech from closing.

b. The Property Custodian segregates all firearms from other types of property retained. All firearms, REGARDLESS OF PROPERTY CLASSIFICATION, are stored in the weapons safe inside the property room. The safe remains locked at all times unless property is being stored, removed, inventoried or inspected. NEVER store ammunition with firearms. All ammunition is stored in the ammunition bin.

2. Controlled Substances

a. The Property Custodian segregates all drugs and narcotics from other types of property retained. All controlled substances, REGARDLESS OF PROPERTY CLASSIFICATION, are stored in the narcotics safe inside the property room. The safe remains locked at all times unless property is being stored, removed, inventoried or inspected.

b. Officers count, verify, and weigh controlled substances (or suspected controlled substances) prior to sealing them in containers or bags. The officer then weighs the bag and notes "BW" (for bag weight) and the total weight in grams on the

outside of the bag. The bag weight is entered in the property description line as "Marijuana BW 13 grams" or similar.

c. Property Custodian only opens sealed containers to facilitate the transportation and/or destruction of the item.

3. Money

a. The Property Custodian segregates all money from other types of property retained. All money, REGARDLESS OF PROPERTY CLASSIFICATION, is stored in the safe or, if over $100.00, deposited with the district financial officer.

b. The Property Custodian deposits money (over $100) with the district financial officer either the same or next working day. The Property Custodian seals the receipt in the original property envelope with the Money Form and returns it to the safe. The Property Custodian then makes notations, in the computer system, showing the money transferred to the cashier.

c. The Property Custodian deposits smaller amounts of money with the cashier when the cumulative total of deposits reaches $100 or more.

d. Exception: When the money itself is evidence, subject to forfeiture (drugs) or examination, it remains in the safe until a supervisor clears it for deposit.

e. The Property Custodian only opens sealed containers to release the money to its rightful owner or transfer the money to a financial institution. At least one other police employee is present when opening any money envelope.

f. The Property Custodian secures negotiable stocks, bonds. or bank securities in the safe with other money items. The Property Custodian assigns no value to the securities for purposes of showing a recovery value.

4. Homicides

a. The Property Custodian stores all items of evidence associated with a homicide case together, unless that evidence requires storage elsewhere for additional security, safety or preservation measures.

b. All homicide cases remain segregated from other types of property retained by the Department.

5. Hazardous Materials

   a. The Property Custodian transfers and stores all hazardous materials in containers designated for that purpose.

   b. The Property Custodian segregates all hazardous materials from other types of property retained. All hazardous materials, REGARDLESS OF PROPERTY CLASSIFICATION, remain stored within a hazardous materials storage container, clearly marked and designed for the storage of these materials.

6. Photographs

   a. The Detective submits a Property Form and enters the photographs into evidence. A set of photographs remain with other items associated with the case. The Detective may retain a separate set of photographs as a working copy during follow-up. After finishing, the Detective forwards the photographs to the prosecuting attorney as a part of the case file or destroys them.

7. Property Management. Nothing in this manual prevents the Property Custodian from organizing property as deemed necessary for the efficient operation of the property function.

E. Computer Entries

Computerized Property System

1. The Property Custodian enters all incoming property into the computerized property system as soon as possible. Information entered into this system includes:

   a. Classification of property

   b. Type/Description of property

   c. Quantity

   d. Case number

   e. Officer submitting property

f. Location property stored

g. Chain of custody

F. Disposition of Property

1. The Property Custodian updates the status of all property retained in inventory as necessary.

2. The Property Custodian retains a complete "hard copy" file on each piece of property as a back up to this computer system. The backup files facilitate regular inspections, audits and inventories.

3. TCIC / NCIC

a. Upon request, dispatch personnel check property items with serial numbers in the TCIC/NCIC system.

b. In all cases when a releasing a firearm, Detectives conduct a criminal history check of the person receiving the weapon. This establishes whether restrictions exist that prevent the release of the firearm to that individual. Additionally, Detectives request a stolen check through TCIC/NCIC to confirm that the status of the firearm.

X. PROPERTY & EVIDENCE RELEASE GUIDELINES

A. Persons Authorized to Release Property

1. The following persons may authorize the release of property under the provisions of this manual:

a. The investigating officer, assigned Detective or the Detective's supervisor,

b. The Chief of Police,

c. A magistrate,

d. The prosecuting attorney's office, and

e. In cases of found property and property impounded for safekeeping the impounding officer.

B. Release Authority

1. A court order is required for the release or disposal of property seized pursuant to a search warrant.

2. Court action involving all suspects must be final and the prosecuting attorney's office must approve the release.

3. All evidence or property collected in homicide cases is stored until the death of the defendant(s) or 99 years from the date of incident.

4. Upon the Chief's approval, the Property Custodian disposes of property on no-lead cases after the statute of limitations is past. The Statute of Limitations for felonies is as follows:

    a. No Limit Murder, Manslaughter, FSRA with Death

    b. 10 Years Theft of Estate by Administrator, Theft by Public Servant, Forgery, Indecency with a Child, Injury to a Child , Sexual Assault

    c. 7 Years Misapplication of Fiduciary Property

    d. 5 Years Burglary, Theft, Robbery, Arson, Kidnapping, Abandoning a Child

    e. 3 Years All other felonies.

5. The Chief signs approval of evidence destruction on no-lead misdemeanor cases after one year from the commission of the offense.

6. The prosecuting attorney approves of property disposed or released purely in the interest of justice when the statute of limitations has not expired. This applies to any felony or misdemeanor cases.

7. The Property Custodian retains any property requested for civil litigation until approved by the Chief. The Chief of Police contacts the District General Counsel prior to disposal of property cases where the District is party to civil litigation.

C. Disposition Instructions (Non-evidence)

1. Found Property

a. The investigating officer attempts to determine and contact the owner(s) of found property. Officers call that person instructing the person to contact the Property Custodian to schedule an appointment and claim the property.

b. The owner has 90 days to establish ownership and claim the property.

c. Exception: If sufficient evidence exists to file an asset forfeiture case, funds likely coming from illegal activity are retained. In addition, if the owner claiming a firearm is not legally entitled to a weapon under the provisions of the law, or prohibited from possessing a weapon, the Chief determines the type of release or destruction of the firearm.

d. Pursuant to Code of Criminal Procedure Art. 18.17, any found property having a value of $500 or more and the owner is unknown, will be advertised as found in a newspaper of general circulation prior to forfeiture to the District or destruction.

e. The Property Custodian processes all unclaimed property for auction, disposal, or transfer for Departmental use.

2. Safekeeping

a. The Property Custodian returns property held for safekeeping upon the request of the legal owner or by legal mandate. The Property Custodian disposes of unclaimed property after 90 days.

b. Prior to release of firearms, the Property Custodian requests a criminal history check on the owner or person who intends to pick up the weapon.

c. The Chief determines the disposition on firearms if the owner is not legally entitled to the weapon or is prohibited from possessing a weapon.

d. The Property Custodian requests a TCIC/NCIC stolen check on the firearm prior to release.

i. If stolen, an attempt is made to return the firearm to the rightful owner.

ii. If the owner cannot be found, the weapon is destroyed per court order.

e. When releasing a weapon to the owner, the owner presents a photo ID and provides proof of ownership, if requested. The owner must sign the property release form.

f. All other types of property held for safekeeping are returned to the owner as soon as possible.

D. Non-Essential Property/Evidence:

1. With the concurrence of the prosecuting attorney, property that is not essential to a prosecution or future prosecution is released to the owner as follows:

a. Property that has no market or investigative value as determined by the prosecuting attorney may be destroyed upon completion of the investigation with the prosecuting attorney's permission; e.g., glass fragments, mutilated bullet not suitable for comparison purposes.

b. Property held as evidence but not introduced during the trial is released to the owner upon receipt of a court disposition, provided the prescribed time for appeal has elapsed. In misdemeanor and felony cases 90 days is allowed for an appeal.

c. In all cases, the person who receives the property must present a photo ID and sign the property receipt.

E. Court Releases

Officers needing evidence or property for court presentation complete a Property Release Form and have the form signed by a supervisor. The form indicates "temporary release" for court. The officer gives the form to the Property Custodian, who then completes the chain of custody form and releases the item to the officer. In all cases, the person receiving the property must present a photo ID and sign the property receipt.

XI. INTERIM RELEASE OF PROPERTY GUIDELINES

A. To facilitate the need for officers to remove evidence temporarily from the property room for further investigation, examination, court, etc, the following procedures are established:

1. The officer completes a property release form, has it signed by a supervisor who ensures appropriate need, and forwards it to the Property Custodian (at least 24 hours - weekends and holidays excluded - in advance when possible).

2. If exigent circumstances exist, property may be released to the officer with less prior notification.

3. Officers checking out evidence for court sign and date the chain of custody form for all evidence released.

4. Officers immediately return all evidence to the property room, unless that evidence is held by the court.

5. Officers repackage or reseal evidence as necessary to ensure the integrity of the item. Whenever evidence is placed in a new evidence bag, the old evidence bag is placed in the new bag with the evidence with the chain of custody on the old bag visible.

B. The Property Custodian tracks evidence checked out for court and its return. After 72 hours, notification is given to the officer who has not returned the property.

XII. DISPOSAL GUIDELINES (TBP: 12.05)

A. Disposal of items held in the property room is made in a manner authorized by statute and as provided in policy.

B. The Property Custodian disposes of no property item until receiving a release authorization from the assigned Detective, Chief, a court order or written instruction from the prosecuting attorney's office.

C. Upon receipt of a Court Order, the Property Custodian disposes of property in the manner indicated in that order.

D. Disposition of Property to be Destroyed

1. Property of little or no auction value is disposed of in an appropriate trash receptacle except as otherwise directed below:

a. Papers of a sensitive nature will be shredded.

b. The contents of open alcoholic beverage containers are poured down the drain before disposing of the container in the trash.

c. Property of value (except firearms, money, ammunition, controlled substances and hazardous materials) is sold at auction, destroyed or designated for department use.

d. Ammunition is disposed of through pre-approved, designated agencies or designated for department use.

e. Controlled substances are burned or otherwise disposed as a hazardous waste material.

f. Hazardous materials are disposed through an authorized pre-approved hazardous waste disposal firm.

g. Knives, clubs, BB or pellet guns or other dangerous weapons are destroyed in the same manner as firearms.

h. All unclaimed money is deposited in the Bastrop ISD General Fund, except rare coins or paper money that will be sold at public auction.

2. Disposition of Firearms

All firearms will be destroyed unless released to their rightful owners with two exceptions. Firearms that are scheduled for disposal that could be used by the department may be converted to departmental use upon written approval of the Superintendent. These weapons will become the property of the department and not individual officers and will be tracked and accounted for on inventories and audits. Weapons of intrinsic collectable value or long guns (not handguns) of sporting value may be auctioned by the District during the regular auction process. Destruction process will proceed as follows:

a. The Property Custodian ensures the recording of the make, model, serial number and involved case report number in the property management computer system.

b. The Property Custodian destroys firearms authorized for disposal as necessary to conserve space and security of the weapon(s).

c. All firearms are inventoried prior to destruction.

d. The Property Custodian updates the new status on all related documents and computer files.

e. The Property Custodian, accompanied by an armed police officer and a community volunteer, transports the firearms to a destruction facility. The Property Custodian, officer and volunteer witness the destruction of each weapon and sign a certificate certifying the destruction.

f. The Property Custodian retains all written documentation of destruction tractions.

3. Destruction of Ammunition

   a. Department Use

      i. Surplus small arms and rifle ammunition may be retained by the department for official use.

      ii. Ammunition retained for department use is transferred to the range master, who signs receipt for the items and maintains records of the inventory and use of such ammunition.

      iii. No ammunition of this nature is used for duty purposes.

   b. Disposal

      i. The range master has final discretion on the means of ammunition destruction. That officer decides if the ammunition lends itself well to training or other range use.

      ii. The department employee receiving the ammunition signs the property report. The property report is then forwarded to the Property Custodian.

4. Destruction of Narcotics/Controlled Substances

   a. The Property Custodian destroys controlled substances and narcotic paraphernalia after receiving authorization for such disposal.

   b. If a controlled substance is evidence in a criminal case filed with the prosecuting attorney, destruction may not take place until the case is disposed and authority for disposal is given by the prosecutor assigned to the court. This authorization may be verbal and noted on the Request for Disposal form.

Other controlled substances may be disposed of summarily by the department.

c. Items to be destroyed are pulled from their storage locations and placed in boxes labeled "Narcotics Destruction." Each box is sealed, labeled, and numbered.

d. The Property Custodian prepares a list of applicable case numbers for each box and attaches a copy of the related property reports.

e. The Property Custodian sets an appointment for disposal (crush or burn) and obtains the necessary permits in advance.

f. Prior to destruction, the Chief conducts a random test of the controlled substances scheduled for destruction in the presence of the Property Custodian and observer to ensure its authenticity.

g. At least two non-police witnesses examine each item set for destruction. In the event a package shows indications of tampering (other than due to lab analysis), the Property Custodian pulls the package out of the destruction process and presents it to the Chief. The Chief initiates an investigation, which may include reanalysis of the drug by the lab.

h. An officer accompanies the Property Custodian and a person not connected with the department while transporting the controlled substances to the disposal facility. Each attendee witnesses the destruction of the controlled substances and signs a statement to that effect. The contents of the statement comply with the Texas Administrative Code, Title 37, Rule 13.163.

5. Disposal of Hazardous Materials

The disposal of hazardous materials falls under a number of State and Federal statutes. In practice, most disposals are regulated by law. Whenever questions arise regarding the proper procedures for waste disposal, the Property Custodian consults with the City of Bastrop Fire Division's Hazardous Materials Unit for direction and assistance with disposal efforts.

XIII. AUCTION OF UNCLAIMED PROPERTY

A. Disposition of Unclaimed Property

1. Found property of value not claimed within 90 days is subject to auction. Stolen or embezzled property is subject to auction if unclaimed by the owner after notification of a 90-day limit to reclaim the item.

2. Unclaimed property, not governed by statute, after being held 90 days from the date the owner was notified to claim the property, is subject to auction, destruction or diversion to department use.

B. Auction of Unclaimed Property

1. Unclaimed property may be auctioned by the District or may be auctioned by a private company contracted by the District.

2. To avoid conflict of interest, or any appearance of conflict of interest, no employee of this department purchases any item at such auction, either personally or through a third party.

XIV. INSPECTIONS (TBP: 12.07)

For purposes of this manual, an inspection is defined as a brief, informal, usually unannounced, review of procedures, records or facilities to ensure adherence to policy and established protocol.

A. The Chief appoints an individual to conduct an inspection of the Property Room at least every six months and forwards a report of the inspection to the Chief of Police.

B. The inspection should concentrate on how the policies, procedures and practices are followed. This inspection should be conducted by a supervisor or other personnel not involved in the operation of the property room. The person inspecting the Property Room should become familiar with this policy and determine if these policies are being followed. The inspection should include inspection of the security of the property room, the proper use of the sign in log, the proper and up to date processing of property both intake and disposal, the cleanliness and orderliness of the Property Room, and any unusual circumstances. The inspection will also require the Property Custodian to find a minimum of 6 items randomly selected by the person inspecting from the property log, to include at least one weapon, one drug and one money item.

C. The Chief of Police may conduct frequent unscheduled, unannounced inspections of the property room and property function as deemed appropriate. Documentation of these inspections reflects the date and results of that inspection.

XV. PROPERTY INVENTORIES (TBP: 12.08)

A. It is the policy of police services to receive and safely store evidence, found property and property for safekeeping and to restore the property to the rightful owner or otherwise lawfully dispose of the property in a timely fashion. The division uses the inspection and inventory process as a means to ensure the integrity of this policy.

B. For purposes of this manual, an inventory is defined as a physical inspection and verification of the presence of a property item maintained by the division against the agency's records.

1. A complete inventory is conducted at least once a year, anytime a personnel change is made in the property room or when requested by the Chief.

    a. The Chief will assign an officer not connected to the operation of the Property Room to assist and observe the inventory. The Property Custodian will conduct the inventory with the assistance of the assigned individual.

    b. Every item stored in the property system must be accounted for. All property storage areas, rooms and sites are included in the inventory process.

    c. All packages, containers or property tags are inventoried and reconciled with the computer or file system.

    d. A copy of the Inventory Report is completed after each inventory and forwarded to the Chief of Police. This report includes any discrepancies and lists any missing items. The Chief makes a determination if an investigation into a loss is warranted.

2. A sampling inventory of individual items stored in the Property Room at least once a year, anytime a personnel change is made in the property room or when requested by the Chief.

    a. The Chief will assign an officer not connected to the operation of the Property Room to assist and observe the

inventory. The Property Custodian will conduct the inventory with the assistance of the assigned individual.

b. Sampling will include the following - A complete inventory of all Guns, Drugs and Money and at least fifty (50) other items located inside the Property Room. The inventory should be conducted by creating a list of all the Guns, Drugs and Money that is shown by records to be in the Property Room, then locating the items in the Property Room. The final part of the inventory will be done in two parts. The first part will be done by randomly selecting the paperwork for 25 of the 50 items and locating these items in the Property Room. The second part will be done by randomly selecting 25 more items in the Property Room and locating each item's paperwork to test the record keeping system.

c. Sampling will include developing a random sampling process and sampling the number of items required for a 95% assurance with a +/- 3% error. The Sampling process will rigidly follow the random sampling process and be documented. If more than a 4% error rate is determined, the Chief of Police shall order a complete inventory of the property room.

d. A copy of the Inventory Report is completed after each inventory and forwarded to the Chief of Police. This report includes any discrepancies and lists any missing items. The Chief makes a determination if an investigation into a loss is warranted.

C. Whenever any firearm, money or controlled substances are discovered missing, the Chief is notified immediately and an investigation initiated.

	Subject: Crime Prevention	Issue Date: 11/30/2015
	Chapter: 17	Revision Date: 05/01/2020
	Policy: 17.1	Total Pages: 3 Chief Bunch's signature 

Crime Prevention

I. POLICY

Crime prevention is the anticipation, recognition and appraisal of crime risks and the initiation of action to remove or reduce such risks. The policy of the Department is to promote crime prevention using all Department employees to develop and implement procedures and programs that reduce the opportunity for or lessen the loss arising from crime.

II. PURPOSE

To set forth procedures for the delivery of crime prevention services.

III. PROCEDURES

A. Police officers, generally

1. All officers upon request and when appropriate shall provide knowledgeable, instructive advice to the public concerning steps that can be taken to reduce the opportunity for or lessen the loss from crime.

2. All officers upon request and when appropriate shall conduct brief surveys of district buildings and property and orally advise of security strengths and weaknesses.

3. All officers shall be aware of and, where appropriate, offer their assistance to crime prevention activities taking place within their assigned patrol area.

4. All officers shall make referrals to the appropriate resource either within or outside the Department in response to crime prevention requests that exceed their knowledge or capability to accommodate.

5. No officer or other employee of this Department shall advise any person that the use of any crime prevention suggestion or program will prevent that person or any other person from becoming the victim of a crime but will only lessen the probability of victimization.

B. Formal Programs - Officers are encouraged to develop, stimulate the growth of, or otherwise participate in the following programs:

1. Neighborhood Watch. (Business Watch) is the formal organization of residents to enable them to deter crime in their neighborhood by relying on their awareness of and concern for their fellow neighbors to detect or discourage suspicious or criminal activity.

2. Security survey. A security survey is an evaluation of the security strengths and weaknesses of a building or property and presenting that evaluation for correction.

a. Requests for in-depth surveys with written recommendations are to be forwarded to the Chief of Police. Surveys of any large structure or facility are to be conducted by whomever the Chief of Police selects. Outside agencies' crime prevention units may be asked to assist.

b. All security surveys performed by officers are to be considered information offered to the police in confidence. Surveys are not considered information available through Public Information Act requests.

c. Officers making recommendations during security surveys shall not recommend any particular brand name product or device.

d. Officers may represent that corrective security measures ***may*** reduce the risk of criminal acts; but are expressly prohibited from advising that any corrective security measure will absolutely prevent a criminal act.

C. Other Programs

There are many other crime prevention programs aimed at specific types of crimes. Many of these programs can be incorporated into public educational programs or activities as needed. Some of these programs are:

1. Auto theft prevention;

2. Child safety;

3. Improved lighting;

4. Surveillance cameras;

5. Victim services;

6. Bicycle theft.

IV. REPORTING

A. Recordkeeping - The Chief of Police or the Chief's designee shall maintain up-to-date information on crime prevention activities for reporting and evaluation purposes.

1. Security survey

   a. Number of informal security surveys conducted by non-crime prevention personnel (building and property security).

   b. Number of follow-up visits to sites where security surveys were previously conducted.

   c. Rate of compliance to recommendations found during follow-up visit.

2. Educational programs

   a. Number and types of programs.

   b. Number of attendees.

3. Other programs

   a. Number and types presented.

   b. Number of participants or attendees.

	Subject: Prisoner Processing	Issue Date: 11/30/2015
	Chapter: 18	Revision Date: 06/01/2020
	Policy: 18.1 Reference: TBP:10.10, TBP: 10.12, TBP: 10.14, TBP: 10.15, TBP: 10.22	Total Pages: 6 Chief Bunch's signature

Prisoner Processing

I. POLICY

This department does not maintain or operate a holding facility. All persons taken into custody are taken directly to the Bastrop County Jail. The policy of this department is to process prisoners without delay and safely transport them to the county jail as soon as possible.

II. PURPOSE

To provide operational procedures for transport of prisoners to the county jail.

III. GENERAL ISSUES

A. Supervision

The operational policies and supervision of the county jail is the responsibility of the Sheriff. Members of this agency will conform to their requirements when processing prisoners for holding in their facility. Any difficulties encountered by members of this department should be brought to the attention of a department supervisor as soon as possible.

B. Access to Facility

Access to the county jail is limited to authorized sworn personnel. Juveniles are prohibited from entering the facility at any time, with the only exception being the use of the Intoxilyzer for investigatory purposes on DWI. Juveniles taken into custody are transported immediately to the juvenile's home, to the juvenile processing room and the police facility or to a designated Juvenile Detention Facility.

IV. FACILITY SECURITY

A. Firearms and Weapons

1. Weapons may be secured in an appropriate lock box or secured in the officer's vehicle trunk prior to entering the facility. No firearms or other weapons are allowed in the jail area.

2. Weapons (that are not 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.

V. PRISONER PROCESSING

A. Prisoner Control and Security

1. All arrested persons are thoroughly searched for weapons and contraband at the scene of the arrest prior to being placed in a police vehicle. Any contraband located on the arrested person is considered evidence is seized and properly secured as evidence. Any property removed from a suspect shall be securely maintained by the arresting officer and released to the custody of the county when the individual is booked into the jail. (TBP 10.10)

2. Persons arrested by this agency may be transported to the department facility for paperwork processing prior to transport to the county jail. At no time will any person arrested or detained be left alone while in custody in the police vehicle or while in the department facility.

3. Persons to be detained in the county jail are escorted into the facility through the holding facility door near the sally port or through the front jail entrance.

4. Upon arrival at the facility arrested persons are remanded to the on duty jail staff for processing and booking.

5. All booking activity, including interviews, fingerprinting, photographing and similar actions is conducted prior to the arrested person being place into a temporary holding cell.

6. Officers will take extra precautions to ensure that all items taken from a prisoner in the field are turned over to the county for safekeeping and released to the individual when they are released from jail.

7. Officers who develop information during an arrest, that the individual may be suicidal or is homosexual, transgender, intersexual or gender nonconforming, either through observation or self-profession, will ensure holding facility staff is informed of the situation in a manner that does not embarrass or endanger the arrestee.

B. Juvenile Detentions

1. If the child is detained and transported to the police building, the child is only detained in the area designated as Juvenile Processing Office. Under no circumstances is a child who is in custody left unsupervised. All children held at the police facility remain out of sight and sound of adult prisoners.

2. 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.

C. Strip Searches (TBP: 10.14)

1. Strip searches are never performed in the field and are only performed with the assistance of county personnel in the county jail after approval of a department. 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. Before a strip search may be conducted, it must be approved by the on duty or on-call department supervisor.

3. Strip searches are conducted in the manner prescribed by county procedures.

4. Strip searches are documented in the officer's arrest report and 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 is forwarded to the Chief of Police for review and filing.

D. Body Cavity Searches (TBP: 10.15)

1. Body cavity searches are never performed in the field and if requested and approved are only conducted by competent medical personnel in compliance with county procedures. 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 or on-call 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 and 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 warrant is forwarded to the Chief of Police for review and filing.

E. Medical Attention (TBP: 10.12)

1. Should an arrested person have obvious injuries or complain of injury or illness, the arresting officer will ensure the individual is examined by either EMS personnel or medical personnel before transport to the county jail.

2. If the severity of medical conditions is unclear or if a prisoner requests medical attention, the prisoner shall be transported as soon as possible to a medical facility for evaluation. 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.

F. Fingerprints and Photographs

1. Those individuals being charged with a class B misdemeanor or above require the state issue CJIS card and any supplemental cards as required.

2. Those individuals being charged with a felony also require a FBI card.

3. Those individuals being charged with a class C misdemeanor are not required to be fingerprinted unless in the opinion of the booking officer the fingerprints would be useful in the fullest identification of the arrested person.

4. All individuals detained will have a current booking photo made.

G. Arrest Reports

1. All individuals detained will have an Arrest Report completed using the computerized offense and arrest report system.

2. Arrest reports 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. Arrest reports are completed in the format provided in the computer system.

4. All arrest reports and related offense reports will be completed by the arresting officer prior to end of shift.

H. Receiving Prisoners from Other Agencies

1. Prior to accepting prisoners from other agencies, the receiving officer ensures the following:

   a. Positive identification of the detainee

   b. Positive identification of the officer delivering the prisoner

   c. Requesting officer required to provide telephonic or written confirmation of the reason for the incarceration.

(Copy of Offense report, arrest report, warrant and bond information if any)

d. Ensuring an offense has occurred and authority for arrest exists.

I. Transportation of Prisoner to other Agencies

1. Officers transporting prisoners to other agency will ensure they:

a. Comply with the other agencies rules including locking up all weapons prior to entering the facility.

b. Ensuring the prisoner remains handcuffed until released to their custody.

c. Provide the receiving agency with all necessary paperwork and prisoner's property.

2. Officers picking up prisoners from the county will inquire about any physical or mental problems the prisoner may have. All of the prisoner's property will be signed for by the prisoner and provided to the transporting officer for safekeeping. (TBP: 10.10)

VI. PRISONER RIGHTS

A. Access to Consul (TBP: 10.22)

1. Detainees are asked their Citizenship. Should a detainee be other than U.S Citizenship, the detainee is asked by the arresting officer if the detainee wishes the Consul to be notified. If so, the Consul is notified by Communications using the list of Consuls maintained. Notification or refusal is noted in the arrest report.

B. DWI Blood Tests

1. Suspects arrested for DWI have the right to request a blood test by a physician of their choice within two hours after their arrest per TRC 724.019. Individuals should be allowed access to a telephone for this purpose as soon as possible if requested.

	Subject: Court Appearances	Issue Date: 11/30/2015
	Chapter: 19	Revision Date: 06/01/2020
	Policy: 19.1	Total Pages: 3 Chief Bunch's signature

COURT APPEARANCES

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

It is the purpose of this policy 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. This agency shall establish a system of accountability for subpoenas from point of receipt from the court to point of officer testimony. This includes but is not limited to:

    a. recording the receipt of subpoenas to include date received, court date and time, defendant's name, officer's name and date executed and returned to the court;

    b. recording the service of subpoenas to named officers by shift supervisors or other designated personnel noting dates received, served and returned to the court authority; and

c. ensuring that notification is made as soon as possible to the designated court authority when officers cannot be served in accordance with established time frames or cannot appear on the designated court date

2. Officers served subpoenas or 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. Such subpoenas shall be recorded in a manner consistent with this policy.

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 commander 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; and display a courteous attitude and maintain self-control and composure.

	Subject: Legal Affairs	Issue Date: 11/30/2015
	Chapter: 20	Revision Date: 06/01/2020
	Policy: 20.1	Total Pages: 1 Chief Bunch's signature

LEGAL AFFAIRS

The Bastrop ISD Police Department generally relies upon two general sources for legal advice. These are the District General Counsel and appropriate prosecution agencies.

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

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

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

All litigation and litigation related activity will be referred to the Superintendent or District General Counsel for appropriate handling. All requests for open records or public information will be immediately forwarded to the Communications Director or appropriate District Official for response. Officers are reminded that State law requires that such requests be responded to within 10 days of receipt. Should any officer have contact with a person who is making or has made a request for public information, officers are reminded that State law prohibits public officials from asking any person about the reason for making a public request or about the person's intended use of public information once received. Officers are expressly prohibited from making such inquiries to citizens.

	Subject: Public and Media Relations	Issue Date: 11/30/2015
	Chapter: 21	Revision Date: 06/01/2020
	Policy: 21.1	Total Pages: 5 Chief Bunch's signature

Public and Media Relations

I. POLICY

This agency must have the support of the community and the District 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, through the District's Communications Director, 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

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 shall refer all media requests to the Communications Executive Director. The Communications Executive Director is the primary contact for the news media.

IV. TRAINING

This agency is committed to providing proper training for its supervisors, line officers, and other personnel who interact with the media. The agency shall also provide appropriate training in Media Relations and the Public Information Act.

V. PROCEDURES

A. Media Inquiries

1. The agency shall respond to all media inquiries in a timely and professional manner. During normal business hours, media inquiries shall be directed to the Communications Executive Director. 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.

B. Interviews

1. If necessary, the Chief of Police shall be responsible for assisting the Communications Executive Director regarding the news media by conducting interviews or coordinating interviews with other qualified agency personnel. Employees contacted directly by the media shall notify the Chief of any interview requests. All conversations with members of the news media should be considered "on the record" and subject to being quoted.

C. News Releases

1. News releases shall be written and disseminated by the Communications Executive Director to the media and to agency employees on major incidents and events of community interest or concern.

D. News Conferences

1. News conferences shall be coordinated and held by the Communications Executive Director in connection with major events of concern to the community.

E. 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. Members of the media shall receive no more or less access to an incident scene than members of the general public.

3. The Chief or Communications Executive Director may grant closer access to news personnel and their equipment to the degree that it does not interfere with law enforcement operations.

4. No member of this agency shall prohibit the media from newsgathering practices, including photography and interviews, outside the established perimeter.

5. News media representatives shall not be prevented from access to any area solely because of the possibility of their injury or death. If the possibility of injury or death is the only consideration, the scene commander shall advise the media representatives of the danger and allow the media representatives to make the decision to enter on their volition.

6. Only the Communications Executive Director or Designee shall release information to the news media at crime and critical incident scenes. At critical incident scenes, the Chief or Communications Executive Director 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.

F. Access to Suspects

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

G. 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 Communications Executive Director 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. 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.

B. Agency members shall refer the media to the Communications Executive Director for onsite media requests, including:

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
9. Booking photographs

C. Agency members shall not release the following information:

1. Names, addresses and 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 Detective 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 that could jeopardize the successful conclusion of an investigative and prosecution.

13. Any other information prohibited by state law from public disclosure.

VII. SOCIAL MEDIA SITES

A. The Communications Executive Director shall be responsible for managing, monitoring and operation of any District sponsored Social Media Sites.

B. Operation of the social media sites shall be in accordance with Policy 21.2 Use of Social Media.

	Subject: Social Media Policy	Issue Date: 11/30/2015
	Chapter: 21	Revision Date: 06/01/2020
	Policy: 21.2	Total Pages: 6 Chief Bunch's signature 

Social Media Policy

I. POLICY

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem solving, investigative, crime prevention and related objectives. Officers shall not use any form of social media or social networking, including Facebook, Twitter, MySpace, LinkedIn, Foursquare, Gowalla Police Pulse, The Squad Room, YouTube, Usenet groups, online forums, message boards or bulletin boards, blogs and other similarly developed formats, in any way so as to tarnish the department's reputation.

As officers of this Department, you are embodiments of our mission. It is vital that each officer accept the role as an ambassador of the Department, striving to maintain public trust and confidence not only in their professional actions but also in personal and online actions. Any online activity that has the effect of diminishing the public's trust and/or confidence in this department will hinder the efforts of the department to fulfill our mission. By virtue of your position of peace officer, you are held to a higher standard that general members of the public, and your online activities should reflect such professional expectations and standards. Any online actions taken that detract from the mission of the department, or reflect negatively on your passion as a peace officer, will be viewed as a direct violation of this policy. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by departmental personnel.

II. PURPOSE

The purpose of this policy is to outline expectations of officers with respect to their use of social media and social networking and the direct effect such use has upon the reputation and perception of this department. This department endorses the secure us of social media to enhance communication, collaboration and information exchange. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge. All departmental personnel are to use computers,

computer applications, computer programs, Internet resources and network/Internet communications in a responsible, professional, ethical and lawful manner.

III. DEFINITIONS

A. Social Media: A variety of online sources that allow people to communicate, share information, share photos, share videos, share audio and exchange text and other multimedia files with others via some form of online or cellular network platform.

B. Social Networking: Using such Internet or mobile formats as Facebook, Twitter, MySpace, LinkedIn, Foursquare, Gowalla Police Pulse, The Squad Room, Usenet groups, online forums, message boards or bulletin boards, blogs and other similar developed formats, to communicate with others using the same groups while also networking with other users based upon similar interests, geographical location, skills, occupation, ideology, beliefs, etc.

C. Mobile Social Networking: Social networking using a mobile phone or other cellular based device.

D. Internet: A computer network consisting of a worldwide network of computer networks that use the TCP/IP network protocols to facilitate date transmission and exchange. (Princeton University)

E. World Wide Web: Computer network consisting of a collection of Internet sites that offer text and graphics and sound and animation resources through the hypertext transfer protocol. (Princeton University)

F. Blog: A series of entries, written by either one person or a group of people, in an online journal, usually posed in chronological order, like a diary. Blogs can allow comments on entries or not.

G. Blogging: To read, write or edit a shared online journal. (Princeton University)) Blogging can also encompass the act of commenting – and engaging with other commenter's – on any blog, including one operated by a third party.

H. Post: An item inserted to a blog or an entry to any type of computerized bulletin board or forum.

I. Posting: The act of creating, uploading, editing or adding to any social media outlet. This includes text, photographs, audio, video or any other multimedia file.

J. Forum: An online discussion site.

K. Comments: Responses to a blog post, news article, social media entry or other social networking post.

L. Commenting: The act of creating and posting a response to a blog post, news article, social media entry or other social networking post. Commenting can also entail the act of posting an original composition to an unrelated post or article.

M. Avatar: A computer user's representation of himself/herself, or an alter ego.

N. Identity: An online identity, Internet persona that a social networking user establishes. This can be real name, an alias, a pseudonym or a creative description.

O. Handle: The name of one's online identity that is used most frequently. It can also be the name of one's Twitter identity.

P. User Name: The name provided by the participant during the registration process associated with a Web site that will be displayed publicly on the site.

IV. RULES AND REGULATIONS

A. Officers are prohibited from using department computers or cell phones/devices for any unauthorized purpose, including participation in social media or social networking.

B. Officers are prohibited from using any social media or social networking platform while on duty, unless permission is granted for investigative or public information.

C. Unless granted explicit permission, officers of this department are prohibited from posting any of the following on any social networking platform, either on their own sites, the sites of others known to them, the sites of others unknown to them, new media pages, or other information exchange forums:

1. Any text, photograph, audio, video or any other multimedia file related to any investigation, both current and past, of this department.

2. Any text, photograph, audio, video or any other multimedia file related to any past or current action of this department, either in homage or critique.

3. Logos, badges, seals, uniforms, vehicles, equipment or any item or symbol that is affiliated with this department.

4. Any item, symbol, wording, number, likeness or material that is identifiable to this department.

5. Any text, photograph, audio, video or any other multimedia file that is related to any occurrence within the department.

D. Officers who choose to maintain or participate in social media or social networking platforms while off duty shall conduct themselves with professionalism and in such a manner that will not reflect negatively upon the department or its mission. In the course of operating or participating in such venues, the following rules shall apply:

1. Unless explicitly granted permission by the department, officers shall not identify themselves in any way as employees of this department.

2. Officers shall not use any reference to imply they are employees of this department during social media or social networking participation or maintenance.

a. Employees shall not post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department.

b. Employees shall not display departmental logos, uniforms, or similar identifying items on social media.

3. Officers will be held responsible for the content that appears on their maintained social media or social networking sites and will be obligated to remove any posting or material contributed by others that identifies the officer as an employee of the department.

4. Officers will be held responsible for the content that appears on their maintained social media or social networking sites and will be obligated to remove any posting or material contributed by others that reflects negatively upon the department.

5. Sexually graphic or explicit material of any kind shall not be posted by the officer on any form of social media or social networking site.

6. Sexually graphic or explicit material posted by others to the officer's social media or social networking sites shall be immediately removed by the officer.

7. Weaponry, owned by this department and/or owned personally or privately, shall not be displayed or referenced to, in any multimedia format, on social media or social networking sites if such displays or depictions promote or glorify violence.

8. Any text, photograph, audio, video or any other multimedia file included on a social media or social networking site that infers, implies, states, opines or otherwise expresses the officer's views on the public shall not be detrimental to the department's mission, nor shall it in any way undermine the public's trust or confidence in this department.

9. Any text, photograph, audio, video or any other multimedia file included on a social media or social networking site that infers, implies, states, opines or otherwise expresses the officer's views on the legal, judicial or criminal systems shall not, in any way, undermine the public's trust and confidence in this department.

10. Any posting that detracts from the department's mission will be considered a direct violation of this policy.

E. Unless serving as an explicitly permitted tool of public information or community outreach, no officer shall use the officer's rank and/or title in any social media or social networking activity, including inclusion of said rank and/or title into the officer's online identity or avatar.

F. Officers who are brought under administrative or internal investigation related to their performance, functionality, or duties as a peace officer may be ordered to provide the department or its designated Detective with access to the social media and social networking platforms in which they participate or maintain.

G. Officers who are brought under administrative or internal investigation related to the department's operation, productivity, efficiency, morale, or reputation may be ordered to provide the department or its designated Detective with access to the social media or social networking platforms in which they participate or maintain.

H. If requested, any officer shall complete an affidavit attesting to all the social media and social networking platforms in which the officer participates or maintains.

I. Any candidate seeking employment with this department shall complete and affidavit attesting to all the social media and social networking platforms in which the candidate participates or maintains. The candidate shall be required to provide the designated background Detective with access to the social networking platforms in which the candidate participates or maintains.

J. As public employees, department personnel are cautioned that speech on or off duty made pursuant to their official duties – that is, that owes its existence to the employees' professional duties and responsibilities – is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Department.

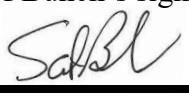
K. Departmental personnel should be aware that they may be subject to civil litigation for:

1. Publishing or posting false information that harms the reputation of another person, group or organization

2. Publishing or posting private facts and personal information about someone without the 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

3. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose

4. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

	Subject: Limited English Proficiency	Issue Date: 11/30/2015
	Chapter: 21	Revision Date: 06/01/2020
	Policy: 21.3	Total Pages: 9 Chief Bunch's signature 

Limited English Proficiency

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 equal access of all individuals to the rights, liberties, and services of government, regardless of national origin or their primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC § 2000d).

II. PURPOSE

To establish direction in dealing with members of the public who have limited English proficiency.

III. DEFINITIONS

A. Limited English Proficiency (LEP): Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes such as reading or writing. Similarly, LEP designations are context specific - an individual may possess sufficient English skills to function in one setting, but these skills may be insufficient in other situations.

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, in order to be identified as bilingual, employees must initially and periodically demonstrate through a procedure to be established by the Department their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may 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 reasonable effort to promptly accommodate such LEP individuals utilizing 911 lines through any or all of the below resources.

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 the methods listed in definitions above.

B. Emergency Calls to 911

1. When a 911 call taker receives a call and determines that the caller is an LEP individual the call taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed and the language is known, the call taker 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 call taker 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 Individuals 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. When officers believe an individual does not clearly understand English, the officer 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 which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.

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 to request consent to search if the person requesting 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 certain 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 have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

D. Custodial Interrogations and Booking

1. In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, 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 prosecuting attorney should be consulted regarding the proper use of an interpreter prior to any interview.

3. In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interviews, victim interviews and witness interviews should be used whenever reasonably 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. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications or the need to segregate the arrestee from other prisoners, therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

E. LEP Contacts and Reporting

Whenever any member of this department is required to complete a report or other documentation and interpretation or translation services are provided to any involved LEP individual such services should be noted in the related report.

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 to be Provided

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department provided interpreter services may include, but are not limited to the assistance methods described in this section.

E. Bilingual Staff

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 communications, interpretation, translation or all or none of these functions. When bilingual employees of this department are not available, employees from other city departments who have the requisite training may be requested.

F. 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.

G. 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.

H. 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. Department personnel should ensure that community members are able to provide unbiased assistance.

I. 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. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

J. Community Outreach

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

K. Training

In an effort to ensure that all employees in public contact positions (or 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.

L. Interpreters and Translators

1. 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. Additional or refresher language training will be provided by the department periodically.

4. Employees will be responsible for maintaining their proficiency and having their training and assessment results maintained in the training record.

5. 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.

M. 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 translated documents.

6. Any audio recordings/warnings that are developed in non-English languages.

N. LEP Coordinator

1. The Chief of Police will appoint a department employee as LEP Coordinator who is responsible for coordinating and implementing all aspects of the LEP services individuals.

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 these documents should be translated.

	Subject: Communications with the Deaf or Hearing Impaired	Issue Date: 11/30/2015
	Chapter: 21	Revision Date: 06/01/2020
	Policy: 21.4	Total Pages: 5 Chief Bunch's signature

Communications with the Deaf or Hearing Impaired

I. POLICY

It is the policy of this agency to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. This Agency has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. To carry out these policies and legal obligations, and to continue to provide the highest level of services to all members of the community, officers will use every means at their immediate disposal to ensure appropriate understanding by those who are deaf or hard of hearing.

II. PURPOSE

This document outlines the management of communication with individuals who are deaf or hard of hearing.

III. GENERAL PROCEDURES

A. People who identify themselves as deaf or hard of hearing are entitled to a level of service equivalent to that provided hearing persons.

B. The Agency will make every effort to ensure that its officers and employees communicate effectively with people who have identified themselves as deaf or hard of hearing.

C. Effective communication with a person who is deaf or hard of hearing who is involved in an incident -- whether as a victim, witness, suspect or arrestee -- is essential in ascertaining what actually occurred, the urgency of the matter and type of situation.

D. Communication problems in police-public encounters provide the basis for potential frustration and embarrassment. Failure of officers to recognize that a person has hearing impairment or that person's failure to make an

impairment known to officers, can also lead to critical misunderstandings. To avoid such potentialities, officers shall be cognizant of the following:

1. Be alert to indications that a person may be deaf or have hearing impairment. Such indications include but are not limited to the following:

    a. The appearance of bumper stickers, rear window decals or visor notices/symbols indicating the disability

    b. Use of signs, hand signals or gestures in an attempt to communicate

    c. Display of cards by the person noting the person's hearing disability

    d. Inability or difficulty of a person to follow verbal instruction or requests for information

    e. A need to see the officer's face directly suggesting that the person is attempting to lip-read,

    f. Evidence of assistive devices such as hearing aids, cochlear implants, or picture symbols

    g. Evidence of behaviors such as increased agitation or irritability, low frustration levels, withdrawal, poor attention, or impaired equilibrium.

2. When dealing with persons who are or who are suspected of being deaf or who have hearing impairment, officers shall never assume that the person understands until it can be confirmed by appropriate responses to questions or directives.

3. Once someone is identified as a deaf or hearing-impaired person, officers shall determine by written or other forms of communication the person's preferred means of communication—sign language, reading and note writing or speech.

4. For persons who use sign language, a family member or friend may interpret under emergency conditions or, in minor situations, for the sake of convenience, when an interpreter is not available or required by law. In all other situations, officers shall not rely on family members or friends for sign language interpretation due to their potential emotional involvement or conflict of interest.

5. Officers shall test comprehension by seeking appropriate responses to simple questions or directives. Deaf or hard-of-hearing persons may require additional time to understand and respond to commands, instructions and questions.

E. Various types of communication aids - known as “auxiliary aids and services” - are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or typewriter; use of assistive listening devices (to amplify sound for persons who are hard of hearing); or use of qualified oral or sign language interpreter.

F. The type of aid that will be required for effective communication will depend on the individual's usual method of communication and the nature, importance and duration of the communication at issue.

G. In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter or use of an assistive listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading. For example:

    1. If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.

    2. If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively and a sign language interpreter is often not required.

H. To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need. Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.

I. The Agency is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question or if it would cause an undue administrative or financial burden. Only the Agency head or the Agency head's designee may make this determination.

J. The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand -- and are understood by -- all those involved, including persons who are deaf or hard of hearing.

K. People who are deaf or hard of hearing must never be charged for the cost of an auxiliary aid or service needed for effective communication.

IV. ARREST SITUATIONS

A. Recognizing that some persons need their hands free in order to communicate, unless absolutely necessary for the safety of officers or others, the use of handcuffs shall be avoided if possible. If handcuffs are required, all essential communication with the suspect should be completed prior to their application if possible.

B. Deaf persons and persons who have severe hearing impairments often have reduced verbal communication skills, speech that may be incoherent or otherwise resemble that of an individual who is intoxicated, and difficulty with equilibrium. As such, officers shall avoid administering standard field sobriety tests to such persons. Intoxilyzer, blood alcohol, or horizontal gaze nystagmus should be employed as alternative tests.

C. Some deaf and hearing-impaired persons have limited written language skills, particularly involving difficult matters such as legal warnings and admonitions. Therefore, officers shall not assume the effectiveness of this form of communication and should gain confirmation of a person's understanding whenever possible.

D. Officers shall ensure that deaf and hearing-impaired persons who are arrested and transported to a booking site have their communication devices with them.

V. TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY

Officers must review and have a working knowledge of Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hard of Hearing. This document reviews how officers should communicate

effectively in the types of situations officers will encounter. These situations include:

1. Issuing a non-criminal or motor vehicle citation.
2. Communicating with a person who initiates contact with an officer.
3. Interviewing a victim or critical witness to an incident.
4. Questioning a person who is a suspect in a crime.
5. Making an arrest or taking a person into custody.
6. Issuing *Miranda* Warnings to a person under arrest or in custody.
7. Interviewing a person under arrest or in custody.

	Subject: Citizen or Media Recording of Police Incident	Issue Date: 11/30/2015
	Chapter: 21	Revision Date: 06/01/2020
	Policy: 21.5	Total Pages: 8 Chief Bunch's signature

Citizen or Media Recording of Police Incident

I. POLICY

It is the policy of the Bastrop ISD Police Department that the seizure and searching of portable video and photo recording devices shall be governed by Constitutional and statutory laws as well as Departmental Investigatory Policies.

II. PURPOSE

To establish guidelines and procedures for investigation, seizure and searching of portable video and photo recording devices which contain data of 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.

2. Civilians may video record or photograph a police employee's activities as long as they:

   a. Remain at a reasonable distance;

   b. Do not interfere with the employee's duties and responsibilities;

   c. Do not create a safety concern for the employee, person detained, or other persons.

B. Non-Sworn Employees

1. Non-sworn employees are prohibited from seizing a person's portable video and photo recording devices.

C. Initial Stop of an Individual (Non-Media Photographer/Videographer)

1. When a sworn employee stops an individual who is reasonably believed to have recorded/captured data of evidentiary value pertaining to a criminal act the employee shall:

    a. Announce the employee's authority and identity;

        i. Non-uniform sworn employees shall identify themselves by prominently displaying Departmental credentials;

    b. Advise the individual of the purpose of the stop;

    c. Ask the individual whether the individual recorded/captured data relevant to the incident;

    d. Request the individual provide personal identification and contact information;

    e. The stop shall last no longer than necessary to affect its purpose. 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 person possesses data that may have evidentiary value and to confirm the person's identity.

D. Consent to Search and/or Seize Portable Video and Photo Recording Devices of an Individual (Non-Media Photographer/Videographer)

1. Sworn employees may ask an individual for consent to a search and/or seizure of 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.

3. The supervisor shall determine whether an immediate search is warranted or a Detective should respond.

4. If a consensual seizure occurs, the property shall be inventoried and documented by the seizing sworn employee pursuant to "Chapter 16 – Property and Evidence."

5. Authorization to search the device shall be documented by the seizing sworn employee on a "Consent to Search Form."

6. 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."

E. Non-consensual Seizure of Portable Video 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 destructible evidence 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 Detective 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 "Chapter 11 – Use of Force."

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 "Chapter 16- Property and Evidence."

F. Initial Stop of Media Personnel

1. When a sworn employee stops a media photographer/videographer who is believed to have recorded/captured data of evidentiary value pertaining to a criminal act the sworn employee shall:

a. Announce the employee's 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 the person 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:

i. Immediately notify the employee's supervisor or the Chief of Police;

ii. Collect and document receipt of the data pursuant to "Chapter 16 – Property and Evidence."

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 the person recorded/captured relevant data, the sworn employee shall:

i. Immediately notify the employee's supervisor and the Chief of Police;

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 the Detective to prepare appropriate subpoena and/or warrant documents for production of the requested data.

v. Request the media person provide personal identification, media credentials, and contact information.

g. The stop shall last no longer than necessary to affect its purpose. 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 person possesses data that may have evidentiary value and to confirm the person's identity.

2. Sworn employees shall not seize portable video and 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.

G. Supervisory Notification

1. The employee's supervisor shall be notified immediately after the seizure of a portable video and/or recording device, whether consensual or non-consensual, and advised of:

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.).

H. Supervisor's Responsibilities

1. The Supervisor shall:

a. Immediately respond to the scene;

b. Ensure the totality of the circumstances surrounding the stop and seizure as conveyed by the sworn employee are warranted, appropriate and in compliance with this General Order and the Department's SOP. If the supervisor determines the stop and seizure is appropriate, the supervisor shall determine whether an immediate search of the portable video and/or photo recording device by the sworn employee is warranted.

c. If the supervisor determines that the seizure is not appropriate, the supervisor will ensure that:

d. 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 on 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 Detective 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 necessary.

I. Impounding of Property

1. Whenever a sworn employee impounds any portable video or photo recording device, the employee shall complete a "Property Receipt Form" and mark the evidence type as "Investigatory Evidence."

J. Prohibited Actions

1. Employees shall not order or participate in the destruction of portable video and 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:

a. Endanger the safety of the public, employees or property;

b. Interfere with an active crime scene; or

c. Create a reasonable safety concern.

K. 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/videographer, unless:

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; or

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.

c. A search or seizure of the work product is prohibited when the offense is merely the withholding of such material.

2. 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.

	Subject: Civilian Ride Along	Issue Date: 11/30/2015
	Chapter: 22	Revision Date: 05/01/2020
	Policy: 22.1	Total Pages: 5 Chief Bunch's signature

Civilian Ride Along

I. POLICY

The observer program allows citizens to voluntarily accompany officers and to observe law enforcement activities to better understand the problems of policing. The observer may request to ride in any area at any time or with a particular officer. If convenient to the department and conditions permit, permission may be granted. Safety of non-police personnel shall be the primary concern.

II. PURPOSE

To establish guidelines and procedures for persons, sworn and non-sworn, riding in a Bastrop ISD Police Department vehicle.

III. PERSONS AUTHORIZED TO RIDE

A. Persons authorized to ride without the Bastrop ISD Police Department Release of Claims:

1. Bastrop ISD Police Department Police Officers who are off-duty;

2. Bastrop ISD Police Department "Other" Officers;

3. Any person riding for the furtherance of an official police duty; i.e., prisoners, witnesses, victims, etc.

4. To courteously serve the public, citizens in need of assistance of a non-official capacity, upon approval of a supervisor, may be transported to a reasonable location within the District;

5. Active duty and reserve duty officers of other agencies in the performance of official duties; and

6. Non-sworn Bastrop ISD Police Department employees in the performance of official police duties.

B. Persons authorized to ride upon execution of a Bastrop ISD Police Department Release of Claims:

1. Off-duty peace officers from other agencies;

2. News media, upon written approval of the Chief of Police; and

3. Any other person, upon written approval of the Chief of Police.

IV. GUIDELINES FOR PERSONS RIDING ON A RELEASE OF CLAIMS

A. Request

1. Persons who are eighteen (18) years of age or older and wish to ride in a Bastrop ISD Police Department police unit must complete and submit the Bastrop ISD Police Department Rider Information Form and the Release of Claims Form.

2. The Rider Information Form and the Release of Claims Form shall be submitted to a Sergeant or Chief of Police during normal business hours and must allow a minimum of twenty-four (24) hours advance notice.

3. At the discretion of the Chief of Police, this requirement may be waived in the case of full-time off-duty peace officers from other agencies.

B. Process Written Request/Release of Claim

1. The written request form, which includes the Release of Claims Form, will be utilized to evaluate the need for the person to ride and to screen the rider to insure that the person does not have an unacceptable criminal record and/or outstanding warrants. (The people requesting to ride must never have been convicted of a felony or any offense involving moral turpitude).

2. The record and warrant check, when completed, will be attached to the written request form.

3. Once the written request form has been approved by the Chief of Police or the Chief's designee, the approved time period by which the citizen may ride will be documented on the form.

4. The approved rider will be notified and given a copy of the written request from and a copy of the citizen observer instructions and rules. The approved rider must present the rider's copy of the written

request form and a photo I.D. to the on-duty supervisor who accommodates the rider's request for an observation ride.

5. The written request form and all record/warrant checks will be maintained in the office of the Chief of Police in a designated file.

6. Only one rider will be allowed to ride during each shift.

7. Citizen observers will normally be allowed to ride four times per year, unless otherwise approved by the Chief of Police. (The Chief's office shall maintain accurate records indicating the number of times each citizen observer rides in each calendar year.)

8. Citizen observers will normally ride for a four (4) hour period, unless circumstances justify otherwise. Additional time may be approved by the supervisor on the shift to which the rider has been assigned.

C. Dress and Grooming Standards

1. Observers in the Ride-Along Program must dress and groom themselves in an appropriate and business-like manner. The on-duty supervisor or designee will make final approval of the observer's dress and appearance while riding in a police vehicle.

2. Minimum requirements consist of slacks or dress jeans and a collared shirt for males, slacks or dress jeans and blouse for females. T-shirts, tattered or unsightly blue jeans are not considered to be acceptable attire.

3. Riders will be clean and neat in appearance; hair will be neatly groomed at all times without presenting a ragged, unkempt, bushy or extreme appearance.

4. No observers shall wear on their clothing anything that advertises any product, business, or organization nor shall they wear any sign, logo, symbol, or word(s) that are inflammatory in nature.

5. Off-duty officers from other law enforcement agencies ***may not wear*** their agency's uniform when off-duty and riding, and must adhere to the specified attire and grooming standards. If a weapon is to be exposed, the off-duty officer's badge shall be displayed in a prominent manner.

D. Citizen Observer Instructions/Rules - Observers in the Ride-Along Program are guests of the Bastrop ISD Police Department and shall conduct themselves in an appropriate manner. Observers will:

1. Not use alcoholic beverages immediately prior to or during the watch in which they are authorized to ride;

2. Not use profane or abusive language or behave in any manner that would provoke or escalate tension;

3. Not enter into any investigation or converse with any citizen, witness or prisoner concerning a police incident or investigation;

4. Not make known to unauthorized persons the identity of persons arrested, detained, confined in jail or suspected of an offense;

5. Not operate or use any police equipment or vehicle, or any item in police custody or control, except during the case of an extreme emergency when instructed to do so by a police officer;

6. Not carry a firearm (unless they are commissioned peace officers) or convey the impression to anyone that they are peace officers;

7. Remain in the police vehicle during routine traffic stops and disturbance calls of serious nature. They shall not enter a residence, building or other building, public or private, from which the public would be excluded due to a police incident or by the owner of the property; and

8. Obey without question any instructions in the furtherance of the police missions given by a police officer.

V. RESPONSIBILITY OF BASTROP ISD POLICE OFFICERS

A. It will be the responsibility of the patrol officer who is assigned a rider to advise dispatch of the citizen observer. Each officer shall insure that all precautions are taken for the safety of the rider.

B. For the safety of citizen observers, an officer may, under certain circumstances, determine that the observer's presence at a scene is not advisable. In such cases, the officer may leave the citizen observer at a safe location within Bastrop ISD. If for any reason the observer must be left for a long duration, another officer or Bastrop ISD employee will be notified and the rider picked up.

C. Officers will immediately report to their supervisors any interference with their duties or willful non-compliance with instructions, rules or regulations on the part of observers.

D. Any supervisor, using discretion, may cause or permit termination of the privilege of an observer to ride along when the effectiveness of the police mission and/or police operations is deterred. The supervisor terminating the

privilege shall submit a memorandum to the Chief of Police citing the reason for termination.

E. Officers will immediately notify their supervisor if any observer is injured while riding and will submit a written report of the incident to the Chief of Police.

VI. EFFECTIVE DATE

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

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

C. The effective date is stated in the header block of this General Order.

	Subject: Communicable Diseases	Issue Date: 11/30/2015
	Chapter: 23	Revision Date: 06/01/2020
	Policy: 23.1	Total Pages: 14

Communicable Diseases

I. POLICY

The Bastrop ISD Police Department bears an obligation to the public and to its own personnel to increase awareness about risks, modes of transmission and procedures for handling communicable diseases such as hepatitis B, tuberculosis, HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immune Deficiency Syndrome) and AIDS-related infections.

Officers cannot refuse to work with or handle anyone--victim, complainant, or suspect--because of the officers' fears of possible infection. Personnel shall not refuse to arrest or otherwise refuse to handle any person in a legitimate law-enforcement context provided that appropriate protective equipment is available. The measures provided herein will assist officers in carrying out their duties while simultaneously minimizing health risks. Officers shall act responsibly in minimizing the risk of infection when dealing with any person regardless of gender identity, race, or age or with any body fluids. A few simple precautions, however, will avoid the risk of infection almost entirely.

The department shall provide employees with information and education on prevention of communicable diseases, as well as safety equipment and procedures to minimize their risks of exposure. The department has instituted post-exposure reporting, evaluation and treatment for all members exposed to communicable diseases.

II. PURPOSE

The purpose of this order is to establish guidelines and procedures to be followed when a member of the department is exposed to a communicable disease with a risk of major illness or death and for handling of evidence or property that may be contaminated.

III. DEFINITIONS

A. Communicable disease

An infectious disease capable of being passed to another by contact with an infected person or the person’s body fluids or on an object.

B. HIV (Human Immunodeficiency Virus)

The virus that causes AIDS. HIV infects and destroys certain white blood cells, undermining the body's ability to combat infection. (Also named HTLV-III or LAV). Technically speaking, this general order aims to reduce the chance of HIV transmission, the virus that causes AIDS. HIV is transmitted through very specific body fluids, including blood, semen, vaginal fluids and breast milk.

C. ARC (AIDS-Related Complex)

A condition caused by the aids virus (HIV) and has a specific set of symptoms. Such symptoms include persistent fever, weight loss, skin rashes, diarrhea, and swollen lymph nodes. Although these symptoms may be debilitating, they are generally not life-threatening.

D. AIDS (Acquired Immune Deficiency Syndrome)

A blood borne and sexually transmitted disease that attacks and destroys the body's immune system. It makes people susceptible to infections, malignancies and diseases not generally life-threatening to persons with normal immune systems. AIDS also causes disorders of the central nervous system. There is no vaccine against the virus. Personnel are advised that AIDS is not transmitted through any of the following (according to the Centers for Disease Control):

a. Sneezing, coughing, spitting.

b. Handshakes, hugging or other nonsexual physical contact.

c. Toilet seats, bathtubs or showers.

d. Various utensils, dishes or linens used by persons with AIDS.

e. Articles worn or handled by persons with AIDS, i.e., doorknobs, pens or cups.

f. Being near someone with AIDS frequently or over a long period of time.

g. Riding the same transportation.

h. Eating in the same public place with an AIDS-infected person.

i. Working in the same office.

E. Seropositivity

Refers to a person having antibodies to HIV, meaning that infection has occurred at some time in the past. A seropositive person can be infected with HIV for years without ever developing symptoms of AIDS. Infected persons can transmit the virus even though they may not have symptoms of AIDS.

F. Hepatitis B (HBV)

A viral infection that can result in jaundice, cirrhosis and sometimes, cancer of the liver. The virus is transmitted through exposure to blood, semen, vaginal secretions, breast milk and possibly saliva. Two vaccines are currently available against hepatitis B [Recombivax (synthetic) or Heptivax (serum derived)].

G. Tuberculosis

A bacterial disease that can be transmitted through saliva, urine, blood and other body fluids by persons infected with it. Tuberculosis is spread primarily by inhaling airborne droplets from infected coughing people. It can enter the body through infected mucous on the skin (as from coughing or sneezing) or from droplets that are inhaled. It is an airborne, opportunistic disease and it primarily causes lung infection. Although no vaccine against tuberculosis exists, medications are available to treat the disease.

H. Exposure control program

A written agency plan, available to all employees, which details the steps taken to eliminate or minimize exposure incidents and identifies at-risk tasks and assignments.

I. Personal protective equipment (PPE)

Specialized clothing or equipment worn or used by employees for protection against infection. PPE does not include uniforms or work clothes without special protective qualities.

J. Universal precautions

Controls or procedures advised by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that blood and body fluids are potentially infectious.

IV. GENERAL RESPONSIBILITIES

A. The Chief of Police shall ensure that adequate supplies are available for communicable disease control within the department. Supervisors are responsible for maintaining continuously an adequate supply of Personal Protective supplies for all affected personnel within their purview. Further, supervisors must ensure that:

1. Personal protective equipment and supplies (PPE) can be found in sufficient quantities at advertised locations.

2. Hypoallergenic gloves and other materials are available for employees allergic to standard-issue gear.

3. Supplies are routinely inspected, replaced and cleaned.

4. First Aid supplies and disinfectants are always available.

B. Officers using supplies in their vehicles shall replace these supplies or arrange to have them replaced as soon as possible. Officers shall maintain disposable gloves in their personal possession at all times.

C. Personnel shall use protective equipment under all appropriate circumstances unless the officer can justify otherwise.

Officers who, for whatever reason, do not use protective gear when appropriate shall document the incident as soon as practicable for department review.

D. All personnel whose skin comes into contact with body fluids of another shall begin disinfection procedures immediately: these procedures range from simple soap-and-water washing to the use of alcohol or antiseptic towelettes. All open cuts and abrasions shall be covered with waterproof bandages before personnel report for duty.

V. GENERAL PRECAUTIONS

A. General

Whenever possible, officers shall wear disposable latex gloves when doing any of the following:

1. Handling persons or items with any blood or body fluid products (hypodermic needles, syringes or surfaces soiled with blood or body fluids, gun or knife wounds).

2. Packaging and handling such items as evidence.

3. Cleaning up blood or other secretions which appear on floors, seats, equipment, handcuffs, shoes, clothing, pens, pencils, etc.

B. Specialized devices

1. Masks shall be worn whenever splashes, spray, spatter or droplets of potentially infectious fluids endanger contamination through the eyes, nose or mouth. Masks may be worn with other protective devices such as goggles. Gowns, jackets, coats, aprons or coveralls shall be worn as determined by the degree of exposure anticipated.

2. Bastrop Fire Department personnel have access to complete bio-hazard suits and equipment if needed. (TBP: 8.10)

C. Handling people

1. Wash hands thoroughly for thirty seconds with warm water and soap after removing gloves (when handling evidence) or after contact with the subject (if bleeding or vomiting). If water is unavailable, use pre-moistened towelettes found in the communicable disease control kit to decontaminate skin.

2. Penetration resistant gloves or their equivalent shall be worn when searching persons or dealing in environments, such as accident scenes, where sharp objects and bodily fluids may reasonably be encountered. Search techniques shall be used that require suspects to empty their own pockets or purses and remove sharp objects from their persons.

3. When transporting prisoners do not put fingers in or near any person's mouth.

4. Transport persons with body fluids on their persons in separate vehicles from other persons. A person who is bleeding or producing a fluid may have to wear a protective covering.

5. Notify other support personnel or law-enforcement officers during a transfer of custody that the suspect has fluids on the suspect’s person, or that the suspect has stated that the suspect has a communicable disease. Booking forms should so state.

D. Handling objects

1. Objects contaminated with body fluids shall be completely dried, double bagged, and marked to identify possible disease contamination.

2. Contaminated items to be disposed of shall be placed in Biohazard bags and sealed.

3. Officers shall use extra care when handling any sharp objects. If officers find syringes, they shall not bend, recap, or otherwise manipulate the needles in any way, but shall place the syringes in puncture-resistant containers provided by the department.

E. Handling fluids

1. Clean up blood spills or other body fluids with regular household bleach diluted 1 part bleach to 10 parts water (or use undiluted bleach, if easier). Bleach dilutions should be prepared at least every 24 hours to retain effectiveness.

2. Wear latex gloves during this procedure.

3. A soiled uniform (by blood or body fluids) should be changed as soon as possible. Wash in hot water and detergent or Dry Clean. If Dry Cleaning, advise the Dry Cleaner staff of the biohazard.

4. Departmental vehicles within which body fluids are spilled require immediate disinfection procedures. Employees who have the vehicles assigned to them shall notify their supervisor of the spill and arrange for a thorough cleaning as soon as possible.

5. All police vehicles will be cleaned with disinfectant as part of a routine, scheduled washing and maintenance check.

F. Precautions when bitten

The danger of infection through bites is low. The victim cannot be infected with HIV through the blood of the biting person unless that person has blood in the person’s mouth which comes into contact with the victim's blood. HIV cannot be transmitted through saliva. With HBV, however, transmission takes place through infected blood or blood-derived body fluids. Infection takes place by exposure of the eyes, mouth or mucous membranes to the virus. Precautionary procedures to minimize the risk of infection include:

1. Encouraging the wound to bleed by applying pressure and gently "milking" the wound.

2. Washing the area thoroughly with soap and hot running water.

3. Seeking medical attention at the nearest hospital (if the skin is broken).

4. Advising your supervisor, make a report, or follow any other policy for reporting injuries, including the filing of appropriate Worker's Compensation forms.

G. Precautions when punctured by needles or knives

If an officer is cut or punctured by a needle or a knife or other instrument while searching a suspect or handling contaminated evidence, follow these general guidelines:

1. Allow the wound to bleed (unless severe bleeding occurs) until all flow ceases. Then cleanse the wound with an alcohol-based cleanser (or pre-moistened towelettes) and then with soap and water. Do not rely exclusively on towelettes: wash wounds thoroughly with soap and water.

2. Seek medical attention as soon as possible after the injury. A physician will then decide the proper treatment.

3. Advise your supervisor, make a report, or follow any other policy for reporting injuries, including the filing of appropriate Worker's Compensation forms.

H. Precautions at major crime scenes

1. At the crime scene, officers and crime scene technicians confront unusual hazards, especially when the crime scene involves violent behavior such as homicides where large amounts of blood have been shed.

    a. No person at any crime scene shall eat, drink or smoke due to the potential hazard.

    b. The best protection is to wear disposable latex gloves. Any person with a cut, abrasion or any other break in the skin on the hands should never handle blood or other body fluids without protection. Officers shall carry latex gloves on their persons at all times.

    c. Latex gloves should be changed when they become torn or heavily soiled or if an officer leaves the crime scene (even temporarily).

d. If cotton gloves are worn when working with items having potential latent fingerprint value, wear cotton gloves over latex gloves.

e. Hands should be washed after gloves are removed, even if the gloves appear to be intact. Officers shall take care to avoid contact between skin and soiled gloves.

f. Always keep a plastic bag in the communicable disease control kit to be used only to collect contaminated items (gloves, masks, etc.) until the items can be disposed of properly. Clearly mark the bag "Contaminated Material."

g. Shoes and boots can become contaminated with blood. Wash with soap and water when leaving the crime scene or use protective disposable shoe coverings.

h. Wrap-around eye safety goggles and face masks should be worn when the possibility exists that dried or liquid particles of body fluids may strike the face. Particles of dried blood, when scraped, fly in many directions, so wear goggles and masks when removing the stain for laboratory analysis.

i. Crime scene search personnel will wear full coveralls, protective goggles, shoe covers, gloves and particulate masks when entering a crime scene where large amounts of blood or other body fluids are expected.

2. While processing the crime scene, be constantly on the alert for sharp objects, such as hypodermic needles, razors, knives, broken glass, nails, etc. Use of mirrors may be appropriate while looking under car seats, beds, etc.

3. Use tape--never metal staples--when packaging evidence.

4. If practicable, use only disposable items at a crime scene where blood or other body fluids are present.

5. Before releasing the crime scene, advise the owner of the potential infection risk and suggest that the owner contact the local health department for advice.

6. Warning labels must be placed on all plastic evidence bags to go to the crime laboratory.

VI. VACCINATIONS

The department affords all employees who have occupational exposure to hepatitis B the opportunity to take the HBV vaccination series at no cost within 10 working days of assignment to an occupationally exposed duty. The vaccination shall be provided only after the employee has received departmental training in communicable diseases, is medically fit for the vaccinations, and has not previously received the vaccinations.

VII. OCCUPATIONAL EXPOSURE TO COMMUNICABLE DISEASES

A. Notification

1. As soon as practicable, all employees shall document possible exposure to infectious fluids or materials. In any case, employees shall immediately notify their supervisor of possible exposure.

2. Examples of such exposure include:

   a. Direct contact with body fluids on chapped or open areas (cuts, scratches) on the skin or on mucous membranes (i.e., eyes, mouth).

   b. Direct mouth-to-mouth resuscitation (CPR) without use of a one-way valve.

   c. Receiving a cut or puncture wound as a result of searching or arresting a suspect or handling contaminated evidence.

B. Testing

1. If a member of the department is exposed to the body fluids of a person who has or is suspected to have a communicable disease, the member must be evaluated for evidence of infection by the department physician.

   a. The person whose body fluids came into contact with an officer may state that the person has AIDS. Often a person may try to prevent police from withdrawing blood for drug screening (as in a DWI arrest), when in fact the person is not infected at all. While the department cannot coerce an individual--suspect or otherwise--to take periodic tests for infection, the department shall try to convince the subject who may have transmitted infection to do so.

   b. HSC 81.050 states that if any person or employee has been exposed to body fluids, the person or employee whose fluids were involved will be requested by the agency to consent to HBV or HIV testing and disclosure of results.

c. CCP 21.31 provides measures whereby a person charged with any crime involving sexual assault, or particular offenses against children, may be ordered to submit to HIV testing.

d. Personnel should understand the difficulty of transmitting HIV and hepatitis B. If infection control measures have been followed, the risk is very low.

C. Testing for presence of infection shall be done if indicated by a medical assessment (after an incident involving the possible transfer of blood or other body fluids). The following information details testing methods and their reliability.

1. AIDS/ARC/HIV

a. Blood tests can detect HIV antibodies (produced by the body's immune system).

b. The two common tests for HIV antibodies are the ELISA (Enzyme-Linked Immunosorbent Assay) and the Western Blot. Since the ELISA is less expensive and easier to perform, it is usually used as a first screen for HIV. If the ELISA identifies the person as seropositive, a second ELISA is performed. If the second test is also positive, a Western Blot is usually performed to confirm the results.

c. Since HIV antibodies may not develop for some months after a person has been infected, an initial negative result may not mean freedom from infection. Typically, three to six months elapse following an infection for a positive reaction to occur. High false positive rates also occur with the use of only ELISA tests.

d. One must be tested, then, immediately following the incident (for a baseline) and then six and twelve months later.

2. Hepatitis B

A blood test can confirm the presence of hepatitis B virus six to eight weeks after exposure. Note that different tests exist for hepatitis B depending on the reason for testing.

3. Tuberculosis

a. This disease is detected first by a skin test, and then confirmed by an x-ray. The department physician can order this test for the department employee.

D. Confidentiality

1. Confidentiality of information concerning test results is paramount. The victim has a right to privacy in employer-maintained information about the victim's health. No need exists for a supervisor routinely to know that a person tests positive (for HIV or hepatitis B). The department views a breach of confidentiality as a serious disciplinary problem which may result in suspension or termination of employment.

2. Under most circumstances, medical authorities will retain confidential records unless the employee tested requests it or state law requires it.

E. Positive test results

1. Any person who tests positive for HIV or hepatitis B shall not be summarily removed from duty. The department shall make no restrictions simply because of diagnosis. These diseases are not spread by casual contact (as between co-workers in the department). The department shall alter an employee's assignment only when the employee can no longer perform the required duties.

2. The department shall ensure continued testing of members for evidence of infection and shall provide psychological counseling if necessary.

3. Any person who tests positive for tuberculosis may be restricted from working for a period of time. The medical evaluation will determine the stage and type of disease the person has contracted and if the person is contagious. A tuberculosis-infected person requires medication and shall not return to work until the doctor says the person is non-communicable. (Tuberculosis is easily transmitted and its incidence in Virginia has recently shown a slight increase. After exposure to tuberculosis, a person may take medicine to help prevent the disease after a medical evaluation.)

F. Job performance

1. Infected employees shall continue working as long as they maintain acceptable performance and do not pose a safety or health threat to themselves or others in the department.

2. Where feasible, an employee who has medical complications from a communicable disease will either be reassigned to another job or have the job restructured so that the employee can remain employed.

   As necessary, medical documentation shall support requests for job restructure or reassignment. All personnel shall treat such employees in the same manner as employees who suffer from other serious diseases or handicaps: that is, fairly, courteously and with dignity.

   The department may require an employee to be examined by the department physician to determine if the employee is able to perform assigned duties without hazard to the employee or others.

G. Discrimination

   The department expects all personnel to continue working relationships with any fellow employee recognized as having AIDS/ARC, hepatitis B, or non-communicable tuberculosis. The department will consider appropriate corrective or disciplinary action against an employee who threatens or refuses to work with an infected employee or who disrupts the department's mission.

H. Records

   The agency maintains a record for each employee detailing incidents of occupational exposure, including information on vaccination status; the results of examinations and tests; health care professionals' written opinion; and any other relevant information. These records are retained by the Chief in secure storage for the duration of tenure of employment, and shall not be disclosed or reported without the express written consent of the employee.

VIII. TRAINING

A. The training officer shall ensure that all members of the agency receive a course of instruction on blood borne diseases and the use of Personal Protective Equipment before their initial assignment. Further, each affected employee will receive annual refresher training plus any additional training appropriate to the particular employee assignment.

B. The training officer shall retain complete records on instruction of employees to include dates of training; content of sessions; names and qualifications of trainers; names and job titles of attending employees.

C. The training officer is responsible for dissemination of updated information to all personnel and for appropriate educational programs about communicable diseases. These programs shall include at a minimum:

1. Written information concerning AIDS/ARC/HIV, hepatitis B, and tuberculosis in the form of brochures, bulletins, memorandums or fact sheets.

2. Group and/or individual presentations and discussions provided by adequately trained personnel or experts from outside the department.

3. Local resources for further medical and law-enforcement information.

IX. AIDS-RELATED CONCERNS OF PERSONNEL

ISSUE	INFORMATION
Human Bites	A person who bites is typically the one who gets the blood; viral transmission through saliva is highly unlikely. If bitten by anyone, gently milk the wound to make it bleed, wash the area and seek medical attention.
Spitting	Viral transmission through saliva is highly unlikely.
Urine/feces	Virus isolated in only very low concentrations in urine; not at all in feces; no cases of AIDS or HIV infection associated with either urine or feces.
CPR/first aid	To eliminate the already minimal risk associated with CPR, use masks/airways; avoid blood-to-blood contact by keeping open wounds covered and wearing gloves when in contact with bleeding wounds.
Body removal	Observe crime scene rule: do not touch anything; those who must come into contact with blood or other body fluids should wear gloves.
Casual contact	No cases of AIDS or HIV infection attributed to casual contact.
Any contact with blood or body fluids	Wash thoroughly with soap and water; clean up spills with 1:10 solution of household bleach.

*Source: Adapted from: AIDS and the Law Enforcement Officer: Concerns and Policy Responses by Theodore M. Hammett, Ph.D., National Institute of Justice, U.S. Department of Justice, June, 1987.

	Subject: Line of Duty Deaths	Issue Date: 11/30/2015
	Chapter: 24	Revision Date: 06/01/2020
	Policy: 24.1	Total Pages: 6 Chief Bunch's signature 

LINE-OF-DUTY DEATHS

I. POLICY

It is the policy of this agency to provide liaison assistance to the immediate survivors of an active duty officer who dies in the line of duty and to provide tangible and emotional support during this traumatic period of readjustment for the surviving family.

II. PURPOSE

This policy is designed to prepare this agency for the event of an active duty officer's death in the line of duty and to direct the agency in providing proper support for the deceased officer's family.

III. DEFINITIONS

A. *Line-of-Duty Death:* The death of an active duty officer by felonious or accidental means during the course of performing police functions while on or off-duty.

B. *Survivors:* Immediate family members of the deceased officer to include spouse, children, parents, siblings, fiancée and/or significant others.

IV. PROCEDURES

A. Death Notification - The following procedures should be adhered to in cases of line-of-duty deaths and in cases of critically injured officers with poor prognosis of survival. These procedures should be followed whenever possible with the understanding that the wishes of the family take precedence over the desires of the agency. Officers providing services and assistance to family members and survivors shall take all possible measures to accommodate their needs, wishes, and desires but should not make promises to family members that the officers are not sure can be met.

1. The name of the deceased officer shall not be released to the media or other parties before immediate survivors living in the area are notified.

2. The Chief of Police or designee will inform the immediate family of the officer's condition or death. If not immediately available, the senior ranking officer will make the appointment.

3. Notification of the immediate family should be made as soon as possible and, if possible, coincidental with command notifications.

4. Notification of survivors in the immediate area shall be made in person and, whenever appropriate, with another person such as the police chaplain. Whenever the health of immediate survivors is a concern emergency medical services personnel shall be requested to standby.

5. If the opportunity to get the family to the hospital exists prior to the officer's death, notification officers shall inform the hospital liaison officer that the family is on its way. In such cases, immediate transportation should be provided for survivors rather than waiting for any other members of the departmental delegation to arrive. If the officer has died, notification should be made to the survivors in as forthright and empathetic manner as possible.

6. Communication of information concerning the officer and the incident shall, whenever possible, be restricted to the telephone to avoid interception by the media or others. Should the media obtain the officer's name prematurely, the ranking officer should request that the information be withheld until proper notification of survivors can be made.

7. The notification officer shall be responsible for identification of additional survivors outside the area and shall make any notifications as desired by the immediate family. Such notifications shall be made by contacting the law enforcement agency in that jurisdiction and requesting that a personal notification be made.

8. The notification officer shall submit a written report to the Chief of Police specifying the identity, time and place of survivors notified.

B. Assisting Survivors at the Hospital - Whenever possible, the agency's chief executive officer shall join the family at the hospital in order to emphasize the agency's support. The next highest ranking officer to arrive at the hospital shall serve as or designate a hospital liaison officer who shall be responsible for coordinating the arrival of immediate survivors, departmental personnel, the media and others and assume the following responsibilities:

1. Arrange for waiting facilities for immediate survivors and a press staging area. The desires of the surviving family members should be followed with regard to their accessibility to other officers and friends.

2. Ensure that medical personnel provide pertinent medical information on the officer's condition to the family before any other parties.

3. Assist family members in accordance with their desires in gaining access to the injured or deceased officer.

4. Provide hospital personnel with all necessary information on billing for medical services. The liaison officer should ensure that all medical bills are directed to the appropriate departmental authority and that the bills are not forwarded to the officer's family or other survivors.

5. Arrange transportation for the family and other survivors upon their departure from the hospital.

6. Ensure that immediate family members are provided with appropriate assistance at the hospital.

C. Appointment of Department Coordination Personnel - The designated departmental officer(s) shall begin serving in the following capacities: department liaison, funeral liaison, benefits coordinator and family support advocate. These assignments will be made in writing to departmental personnel and the surviving family members will be informed of those designated. In addition, the Chief of Police or the Chief's designee will:

1. Make additional personnel assignments to assist in handling incoming phone calls and inquiries and to direct the public to appropriate personnel;

2. Ensure that the employee assistance program is implemented to assist surviving family members and emphasize the family's right to psychological services; and

3. Ensure that other officers are provided the opportunity to participate in critical incident stress debriefings.

D. Department Liaison - The department liaison officer will serve as a facilitator between the family and the law enforcement agency. This individual will normally be a commanding officer in order to expedite the tasks of employing departmental resources and the delegation of assignments. This officer will work closely with the funeral liaison officer to ensure that the needs and requests of the family are fulfilled. This includes, but is not necessarily limited to, the following:

1. Providing oversight of travel and lodging arrangements for out-of-town family members.

2. Identifying alternative churches and reception halls that will accommodate the law enforcement funeral. These alternatives will be presented to the family, who will make the final determination.

3. Coordinating all official law enforcement notifications and arrangements to include the honor guard, pallbearers, traffic control and liaison with visiting law enforcement agencies.

4. Assisting family members in dealing with general media inquiries and informing them of limitations on what they can say to the media specifically.

5. Providing liaison with the media to include coordination of any statements and press conferences. The departmental liaison shall also ensure that members of the agency are aware of restrictions regarding release of any information that might undermine future legal proceedings.

6. Ensuring that security checks of the survivor's residence is initiated immediately following the incident and for as long as necessary thereafter.

E. Funeral Liaison - The funeral liaison officer acts as facilitator between the decedent officer's family and the department during the wake and funeral. The funeral liaison officer is responsible for:

1. Meeting with family members and explaining liaison's responsibilities to them,

2. Being available to the family prior to and throughout the wake and funeral;

3. Ensuring that the needs and wishes of the family come before those of the department;

4. Assisting the family in working with the funeral director regarding funeral arrangements;

5. Relaying any information to the family concerning the circumstances of the decedent officer's death and appropriate information regarding any investigation;

6. Determining the need for travel arrangements for out-of-town family members and any other special needs of the family during the funeral and reporting this information to the department liaison; and

7. Briefing the family members on the procedures involved in the law enforcement funeral.

F. Human Resources Benefits Coordinator - The HR benefits coordinator is responsible for:

1. Filing workers' compensation claims and related paperwork,

2. Presenting information on all benefits available to the family;

3. Documenting inquiries and interest in public donations to the family and establishing a mechanism for receipt of such contributions, as appropriate;

4. Preparing all documentation of benefits and payments due survivors to include the nature and amount of benefits to be received by each beneficiary, the schedule of payments and the name of a contact person or facilitator at each benefit or payment office;

5. Filing all benefits paperwork and maintaining contact with the family in order to ensure that benefits are being received. A copy of benefits documentation should be provided to all survivors affected and explained to each of them; and

6. Advising the surviving family of the role of police associations and organizations and the nature of support programs that they sponsor for law enforcement survivors.

G. Family Support Advocate - The family support advocate serves in a long-term liaison and support capacity for the surviving family. The duties of this individual include:

1. Providing contact with surviving family members in order to keep them abreast of criminal proceedings relating to the death of their family member;

2. Accompanying surviving family members to criminal proceedings, explaining the nature of the proceedings, and introducing them to prosecutors and other persons as required;

3. Identifying all support services available to family members and working on their behalf to secure any services necessary;

4. Maintaining routine contact with family members to provide companionship and emotional support and maintain an ongoing relationship between the department and the immediate family; and

5. Relaying the concerns and needs of the family to those individuals or organizations that may provide assistance and encouraging others to visit and help as necessary.

	Subject: Sex Offender Registration	Issue Date: 11/30/2015
	Chapter: 25	Revision Date: 05/01/2020
	Policy: 25.1 Reference: TBP: 7:31	Total Pages: 2 Chief Bunch's signature

Sex Offender Registration

I. POLICY

Law Enforcement Agencies are required by law to register sex offenders who intend to reside within their jurisdiction. Citizens expect law enforcement to be protective of their children by registering registered sex offenders and ensuring the offenders comply with the terms of their court imposed requirements. The Bastrop County Sheriff's Department is responsible for accurately registering sex offenders residing in Bastrop ISD jurisdiction, for conducting periodic compliance checks to ensure that offenders are complying with their requirements, and for prosecuting those who fail to do so.

II. PURPOSE

To define procedures for sex offender registrations and compliance checks.

III. PROCEDURES

A. Sexual Offender Registration

1. The Bastrop County Sheriff's Department conducts all sexual offender registrations.

2. Sexual Offender registrations require the following steps:

   a. Texas Department of Public Safety Sex Offender registration form INT-10 is completed.

   b. Two DPS fingerprint cards are completed

   c. Two photographs are taken of the offender,

   d. Two photographs are taken of the offender's vehicle,

e. The white copy on the INT-10, one photograph, and one fingerprint card are sent to the Texas DPS Criminal Intelligence Service.

f. The canary and pink copy of the INT-10 form, one photograph and fingerprint card are placed in the offender's folder which is maintained in the Sexual Offender File.

3. The Registration and notification from the Department of Criminal Justice, as well as the original offense information if necessary, is reviewed for the notifications to educational institutions and the public as currently required under the Code of Criminal Procedure.

B. Sex Offender Compliance Checks

1. Under CCP 62.058, Sex offenders subject to registration are also required to report periodically and at a frequency dependent upon the number of convictions. The department shall maintain a schedule to ensure these offenders report as required and if an offender fails to report properly, shall investigate to determine if a violation has occurred.

2. At least annually, the Bastrop County Sheriff's Department will locate the sex offender and update the offenders file with:

a. A new photograph

b. A new photograph and license numbers of any vehicles the offender owns or has access to.

c. New employment information.

d. Any new descriptive information (weight, scars, tattoos, etc)

3. If the offender cannot be located, an investigation will be conducted to determine if terms of registration have been violated and if so a criminal case filed and a warrant issued.

	Subject: Unusual Occurrences and Special Events	Issue Date: 11/30/2015
	Chapter: 26	Revision Date: 06/01/2020
	Policy: 26.1 Reference: TBP: 8.07, 8.08, 8.09, 8.11, 2.22	Total Pages: 5 Chief Bunch's signature

Unusual Occurrences and Special Events

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 not only deploy personnel in the field but must coordinate the responses of other law-enforcement agencies as well as other agencies. Bastrop ISD Police 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

To establish general guidelines for planning and deploying personnel for unusual occurrences.

III. DEFINITIONS

A. Unusual Occurrences: Includes natural and man-made disasters as well as civil disturbances and unusual police events such as hostage or barricaded persons and even planned special events.

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 Bastrop County of Regional Emergency Response Plan that outlines the responsibilities of all public agencies in time of natural or man-made disasters.

IV. PROCEDURES

A. Administration

1. The Chief of Police is responsible for 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 official charged with emergency activities. A copy of the Emergency Operations Plan will be maintained in the Office of the Chief, and in the Patrol Briefing Room. (TBP: 8.07)

3. At least once annually, the department shall conduct training for all personnel on their roles and responsibilities under the county emergency response plan. Copies of the emergency response plan are found in the Chief's office, the communications center, and the briefing room.

4. At least annually, the Chief of Police is responsible for ensuring the internal review of the Law Enforcement Appendix to the Emergency Response Plan and the 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 District.

2. Special event plans shall include, at a minimum:

   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

C. Unusual Police Incidents

1. Unusual Police Incidents include:

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 with ERT callout

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 events occur.

3. The Patrol Standard Operating Procedure provides officers direction in handling many unusual police incidents. Handling of Civil Disturbances is covered in Policy 26.2.

4. The department will solicit the assistance of partner agencies to request an Emergency Response Team trained and equipped to assist in the successful resolution of Unusual Police Incidents The management and use of the ERT is provided in Policy 26.3.

D. Use of National Incident Management System

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 additional law enforcement resources are required, the Chief of Police may:

a. Hold over the shift due to go off so that personnel of two shifts are available.

b. Call back additional personnel.

c. Request assistance through mutual aid

d. Request state assistance through the Governor's Office (Mayor or County Judge requests)

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 advance notification to minutes.

3. All members of the department are subject to immediate recall in the event of an emergency. Failure to respond to an order to report to work shall be grounds for termination. (TBP: 2.22)

4. The Chief of Police shall assign personnel called back as required, using the skills, knowledge and abilities of recalled officers where appropriate.

5. 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 after any natural or man-made disaster or any unusual event as listed in C,1, above.

2. After Action Reports are required at the conclusion of any unusual occurrence within 10 days of completion of the event. Unless otherwise assigned, the preparation of the report is the responsibility of the supervisor in charge of the event.

3. The After Action Report should include a discussion of:

a. A detailed description of the event;

b. The prior planning for the event, if any;

c. The number and identity of personnel assigned;

d. A chronological description of the event and problems encountered or successes accomplished;

e. A critical review of operations and what policy, equipment or procedures need to be changed to better respond 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.

	Subject: Civil Disturbances and Mass Alerts	Issue Date: 11/30/2015
	Chapter: 26	Revision Date: 06/01/2020
	Policy: 26.2	Total Pages: 13 Chief Bunch's signature

Civil Disturbances and Mass Alerts

I. POLICY

How law enforcement officers deal 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 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 shall temporarily suspend 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.

II. PURPOSE

The purpose of this policy 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 political or other doctrine or views. 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 and 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

A. General Management and Organization Principles

1. By law, this jurisdiction 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.

2. 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.

3. The commander of Special Response Team (SRT) shall be responsible for preparing any tactical plans and management details associated with planned demonstrations.

4. If at all possible, a member of the department should be detailed to conduct video recording of the incident and departmental response to include any interactions involving use of force.

5. The incident command system shall be used in crowd management and civil disturbances to ensure control and unified command. The IC shall do the following:

a. Assume responsibility for issuing and disseminating all orders to members of the IC's command and for determining the resources that are necessary and the extent to which they will be used.

b. Direct the establishment and organization of an incident command post.

c. Call for any necessary assistance required.

d. Authorize such use of force and engagement with the crowd as deemed necessary to resolve unlawful actions.

e. Authorize the use of arrest as a means of curtailing unlawful behavior.

f. Designate a liaison officer to coordinate with other city or county emergency service providers, as well as government offices, agencies and departments.

g. Officers shall be briefed at the staging area on the type of crowd being monitored and told what to expect from participants and what types of responses and force can be employed. Officers shall also be informed that the unit commander will order the response deemed appropriate and that the unit will act in concert with and follow the direction of the unit commander.

h. 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.

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 the officers 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 and 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 use of force policy and this policy.

C. All officers providing assistance to this agency through mutual aid agreements, contracts or related 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 shall not deploy the dog 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. Horses may be used to surround and control groups in nonviolent demonstrations as appropriate. They shall not be used against passively resistant demonstrators who are sitting or lying down. Horses shall not be deployed when the use of chemical agents is anticipated or deployed, nor shall they be used in icy or snow conditions. 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. 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.

6. When reasonably possible, a verbal warning shall be issued prior to the use of impact munitions.

7. Officer-issued aerosol restraint spray (OC) may be used against specific individuals who are engaged in unlawful acts or conduct or 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.

8. High-volume OC delivery systems (such as MK- 9 and MK- 46) are designed for and may be used in civil disturbances against groups of people engaged in unlawful acts or endangering public safety and security with approval of the incident commander. Whenever reasonably possible a warning shall be issued prior to the use of these systems.

9. 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 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.

10. The riot baton (or PR-24, a less desirable option) shall be used primarily as a defensive weapon or as a means of overcoming active resistance, as when 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 in this manner.

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 shall be assigned by the Chief of Police. The commander shall ensure that a written incident action plan is developed for approval of the Chief or the Chief's designee.

B. Every effort shall be made to identify and make advance contact with the leaders 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. Answers to the following additional 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 are anticipated, to include use of demonstrator 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 together with their past history of conduct at such events? 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 with or be prompted to act in response 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 the officers' compliance with orders,

to monitor their behavior and disposition, and to ensure officers 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 and 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, the incident commander shall direct unit commanders, where time and circumstances permit, to issue warnings prior to taking physical actions to disperse the crowd.

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 of 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 crowd encirclement multiple simultaneous arrests

b. Use of aerosol crowd control chemical agents

c. 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 back-up and advise 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, innocent 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 the status and 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 Chief of Police or the Chief's 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, contraband and where possible by an officer of the same sex. Such items shall be secured and identified prior to transportation.

7. Polaroid or digital photographs shall be taken of the arrestee with the arresting officer and of the prisoner and any property that is turned over to the transporting officer. Transporting officers shall not accept prisoners without a properly prepared field arrest form and photographs and shall ensure that all property is placed in a container that is legibly marked with the arrest form number.

8. Upon arrival at the detention facility, the transporting officer shall deliver the prisoner together with the arrest form and personal property.

9. All injured prisoners and those who request medical attention shall be provided medical attention prior to transportation to the detention facility.

10. 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. All necessary personnel shall be debriefed as required.

B. All written reports shall be completed as soon as possible after the incident to include a comprehensive documentation of the basis for the incident, the department's response to the incident, with a statement of impact to include the costs of equipment, personnel and related items.

	Subject: Active Shooter	Issue Date: 11/30/2015
	Chapter: 26	Revision Date: 05/01/2020
	Policy: 26.3 Reference: Texas Best Practices (TBP) Policies 6.01, 6.02, 6.07, 7.34, and 8.07	Total Pages: 5 Chief Bunch's signature

I. POLICY

An active shooter is defined as an incident where one or more armed individuals have used, or are reasonably likely to use, deadly force in an ongoing manner, and where persons have been injured, killed, or are under imminent threat of death or serious bodily harm by such persons.

It is the policy of this agency to respond, contain, and stop the threats and administer aid to the victims. When officers are faced with the ongoing or reasonably likely continuation of the use of deadly force by a suspect(s), and delay in action by police could result in additional deaths or injuries, officers are authorized rapid intervention to eliminate the threat.

II. PURPOSE

To establish policy and procedures governing the response and activities associated with an active shooter event which will mitigate any further risk of injury or death to civilian or law enforcement personnel.

III. DEFINITIONS

A. Active Shooter - an incident where one or more armed individuals have used, or are reasonably likely to use, deadly force in an ongoing manner, and where persons have been injured, killed, or are under imminent threat of death or serious bodily harm by such persons.

B. Rapid Intervention- The immediate and forceful response by officers to an active shooting based on a reasonable belief that failure to take action would result in further death or serious bodily injury.

C. Contact Team- The first officer(s) at the scene of an active shooting who enters a location with the intent of neutralizing the threat.

D. Rescue and Recovery Team or Rescue Task Force- An group of officers (and firefighters and medical personnel) who make entry after the contact team to

provide Tactical Combat Casualty Care and evacuate persons from a hazardous area to a secure treatment area for further treatment and transport.

E. Incident Commander- The first arriving supervisor (not a part of a contact team) who takes charge at the scene, regardless of rank.

F. Tactical Combat Casualty Care—(TCCC) The immediate and limited care needed before movement to more advanced care to prevent the death of the individual during movement. Usually limited to application of a tourniquet or pressure bandage(s).

IV. PROCEDURES

A. Initial Dispatch

1. The first report of an Active Shooter may not be that shots have been fired. It may be only a suspicious person or man with a gun call. Officers and Communicators should be alert to the possibility of these types of calls may progress into an Active Shooter call.

2. Immediately upon dispatching the initial call, Dispatch personnel will call for additional assistance from office staff to assist in dispatch and for additional officers from surrounding cities.

3. Dispatchers 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 respond in accordance with their protocols.

4. Upon arriving at the scene of an active shooter event and assessing the scene, the agency should implement its mutual aid agreements with other police agencies, if necessary, and 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.

V. FIELD RESPONSE

A. Initial Response

1. If an Active Shooter call is dispatched, all on-duty sworn personnel will respond Code 3. All non-uniform personnel will respond to the scene only if “Police” jackets are worn. Non-uniform personnel without proper equipment will begin setting up a perimeter and preventing unauthorized entry to the area. Only sworn officers form this or other jurisdictions are initially allowed entry. Responding parents or relatives should be directed to the reunification point once established.

2. The first responding Supervisor, if not needed as part of a Contact Team, will assume the role of Incident Commander and establish a Command Post in a safe area away from the structure. (if the first arriving supervisor is needed and becomes a part of a Contact Team, the second arriving supervisor will become Incident Commander. This supervisor will begin coordinating other parts of the incident including the deployment of Rescue Teams, until relieved by a higher ranking or assigned Incident Commander.

B. Contact Team

1. The first officer to arrive should attempt to determine the situation and communicate information and direction to other responding officers and supervisors. Ideally, if time permits, the first two to five officers arriving should form a single team and enter the involved structure. A single officer entering a structure must understand the inherent risk assumed in taking such action.

2. The decision to enter the structure without a full team should be based on:

    i. Is there an immediate threat (gunfire or other indications)

    ii. How far away is a cover officer

    iii. Is the officer equipped to respond to the threat

3. The first officers entering the structure should recognize that their primary objective is to stop further violence. Officers must move quickly and deliberately to the source of gunfire and stop the violence. Officers should attempt to 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.

4. Officers will comply with the department's Deadly Force Policy when responding to these incidents.

C. Rescue Team

1. Rescue Teams should be organized as soon as possible and directed to victim locations. Rescue teams can be composed of officers, firefighters and/or medical personnel, as long as these personnel are protected by armed officers. Guidelines for follow-on responders include:

i. Establish and maintain security in the area that follow-on responders occupy; consider the involved structure as unsearched.

ii. **Do not enter a hallway unannounced that is occupied by other officers.**

iii. 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.

iv. 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.

v. Provide only Tactical Combat Casualty Care before removal to the Casualty Collection Point for further treatment by Fire or medical personnel.

D. Incident Command

1. The initial Incident Commander should concentrate activities initially to:

i. Maintaining open communications with any Contact Teams deployed

ii. Assembling and sending in Rescue Teams as soon as possible.

iii. Establishing an inner perimeter

iv. Establishing a evacuee area

2. The department will provide training to all department supervisors on the Incident Command process and priorities for command.

VI. CONCLUSION OF EVENT

A. Incident Conclusion

1. The conclusion of an incident of this nature will be difficult and will vary significantly based on the number of injured or killed, the type of location,

and the actions taken by police. The agency will remain flexible and respond according to the directions and instructions from the Incident Commander.

2. Should there be an exchange in gunfire, then the agency will implement its officer involved shooting policy and respond accordingly.

3. The clear priorities will be:

    i. Locating and providing aid to injured individuals

    ii. Ensuring the location is secure from further violence

    iii. Protecting the scene for investigation

    iv. Conducting an appropriate investigation

4. All requests for information from the media should be funneled through the Public Information Officer (PIO) or the Incident Commander (IC) for coordination.

POLICE BASTROP ISD UNITY HONOR INTEGRITY	Subject: Special Response Team	Issue Date: 11/30/2015
	Chapter: 26	Revision Date: 06/01/2020
	Policy: 26.4 Reference: TBP: 3.10, TBP: 3.11, TBP: 8.03, TBP: 8.04, TBP: 8.05,	Total Pages: 8 Chief Bunch's signature

I. POLICY

That the presence of a highly trained and skilled police tactical unit has been shown to substantially reduce the risk of injury or loss of life to the public, police officers and suspects. A well-managed "team" response to critical incidents usually results in successful resolution of critical incidents. It is the intent of this department to utilize the Bastrop County SRT, a highly trained and skilled Emergency Response Team as a resource for the handling of critical or unusual police incidents.

II. PURPOSE

The purpose of this policy is to establish the governing regulations in the selection, training, equipping and the use of the Emergency Response Team.

III. DEFINITIONS

A. Hostage Situations: the holding of any person(s) against their will by an armed or potentially armed suspect.

B. Barricade Situations: a standoff created by an armed or potentially armed suspect in any location, whether fortified or not, who is refusing to comply with police demands for surrender.

C. Sniper Situations: the firing upon individuals and/or police by an armed suspect, whether stationary or mobile.

D. High-Risk Apprehension: the arrest or apprehension of armed or potentially armed suspects where the likelihood of armed resistance is high.

E. High-Risk Warrant Service: the service of search or arrest warrants where the warrant service matrix or policy recommends or requires the use of the Emergency Response Team.

F. Personal Protection: the security of special persons, such as VIP's, witnesses or suspects based on threat or potential threat to the well being of those persons.

G. Special Assignments: any assignment, approved by the ERT Supervisor, based upon a high level of threat.

IV. COMPOSITION AND STRUCTURE

A. The Special Response Team is comprised of:

1. Supervisor;
2. Officers of any rank;
3. Hostage Negotiators; and
4. Tactical Medic.

B. The SRT Supervisor will:

1. Be appointed by the Bastrop County Sheriff.
2. Be responsible for the overall operations of the team.

C. The SRT will also have SRT alternates available for deployment. The SRT Supervisor will determine the number of SRT alternates. These officers are not permanently assigned to the SRT but are available for activation.

D. Members of the Bastrop ISD Police Department may participate in SRT service, training, activation, and/or deployment. Bastrop ISD PD members will be chosen from the same selection process as SRT members.

E. Members will attend and participate in the training programs and monthly training.

F. Alternates will re-certify on all individual skills and must maintain acceptable standards of performance as delineated in SRT qualification.

V. OPERATIONS (TBP: 8.05)

A. When activated for an operation within Bastrop ISD jurisdiction, the SRT Supervisor, or the Acting Supervisor reports directly to the Bastrop ISD Chief of Police, or Incident Commander where one has been designated, or to the on-scene supervisor.

B. The SRT Supervisor is responsible for deployment of the SRT, tactical decision-making and tactical resolution of the incident.

C. The SRT Supervisor is subordinate to the Incident Commander in terms of when and if a tactical option will be initiated, not how it will be performed.

D. Unless the SRT Supervisor relinquishes control to another person outside the SRT, no other person who is not in a leadership position within the SRT will attempt to direct, supervise, or control any element or member of the SRT

E. The Primary Negotiator will manage the negotiations process.

F. The Negotiations Unit will work under the direction of the SRT Supervisor.

G. Requests or demands received from the suspect through the Negotiator may be approved or denied by the SRT Supervisor.

H. It is the policy of this Department not to allow face-to-face negotiations with a subject suspected of posing a danger to others. In the event the negotiator must work on the inner perimeter, the negotiator will be armed at all times and shall wear the appropriate body armor. Negotiators will not enter the inner perimeter without specific instructions from the SRT Supervisor

I. The Tactical Medics will train with SRT and provide medical support during operations. At least one (1) tactical medic will be deployed for each operation.

J. Tactical Medics will be provided protective armor and other uniform accessories but will not be armed unless they are also a licensed peace officer.

K. Tactical Medics will not enter a structure with the entry team but will maintain availability near the entry point and shall enter only on the orders of the entry team after a structure is secure or when an injured officer is in a position of safety.

L. During deployment, the tactical medics will report to the SRT Supervisor.

VI. ACTIVATION PROCESS (TBP: 8.05)

A. Each supervisor has the authority to immediately activate the team for any critical or unusual police incident within the jurisdictional boundaries.

B. Supervisors will advise the Bastrop County Sheriff's Communications Division of the situation and need for the SRT. Communications will contact the SRT Supervisor and provide the contact number for the supervisor.

C. Any Division or unit with the department may request the assistance of the SRT in planning or conducting appropriate operations. The supervisor will contact the SRT Supervisor with the request. If the SRT Supervisor approves the request, the team will be activated.

VII. SELECTION PROCESS

A. ERT Members (TBP: 8.04)

1. Assignment to the SRT will be on a voluntary basis and will consist of sworn personnel.

2. They must exhibit a sound mental and physical condition. The Sheriff, Supervisor, and existing team members may designate special requirements for selection of personnel.

3. Once accepted and assigned to the SRT, all operational team members and alternates, regardless of rank or position, must maintain acceptable standards of performance.

B. Selection of Hostage Negotiators: (TBP: 8.03)

1. Hostage negotiators are a part of the SRT. The Negotiation Team members will be on call and will perform negotiator duties in addition to their regular duty assignment.

2. Minimum qualifications:

a. Three years or more as an officer department

b. TCOLE Mental Health Officer Certificate

c. TCOLE Crisis Intervention Training

d. Basic Hostage Negotiator School

3. Hostage Negotiators will re-qualify with the SRT.

4. Officers interested in the position will submit a letter of interest with their qualifications. The Chief of Police will then select an officer(s) to fill the vacancy.

5. Upon selection the new hostage negotiator must pass a psychological screening for the position.

C. Tactical Medic

Selected paramedics from EMS will be assigned to the Emergency Response Team. The Sheriff and EMS Director will select these personnel.

VIII. RE-QUALIFICATION

A. SRT officers must pass a re-qualification annually.

B. Failure to pass the re-qualification will result in the team member being placed in a temporary non-deployment status. Time requirements of non-deployment status will be determined on an individual basis by the Chief of Police and the SRT Supervisor.

IX. REMOVAL FROM THE TEAM

A. A team member may voluntarily withdraw from the team at any time, for any reason.

B. A team member may be removed from the team, without cause, when deemed necessary for the good of the team, by a consensus of the team, or at the discretion of the Chief of Police.

C. Team members leaving SRT may be allowed to remain as an alternate with permission of the Chief of Police.

X. TRAINING STANDARDS

A. SRT Team Training (TBP: 3.10.)

1. The SRT and alternates will periodically conduct training a minimum of 16 hours per quarter and will train on appropriate subjects related to the mission of the SRT.

2. All training will be documented and training records will be maintained on file in the Officer's training file.

3. All training will be performance oriented and SRT task specific. The SRT will maintain a current task manual that lists the standards of performance for each task, individual and team level.

4. Individual team members will be re-certified once per year on all individual skills, and the team will be re-certified once per year on all team level skills.

5. Failure to re-certify will result in immediate focus on remediation of basic skills.

6. Continued failure to re-certify, after appropriate remediation, will be dealt with as failure to meet minimum standards.

7. The training program will include regular updates on legal issues facing SRT operations, warrant service, deadly force policy.

XI. EQUIPMENT STANDARDS

A. The SRT will supply their team members with the following safety equipment:

1. Ballistic helmet

2. safety glasses and goggles

3. Hearing protection

4. Complete coverage ballistic entry vest, complete with Threat Level IV insert

5. Load bearing vest or duty belt for tactical equipment

6. Special weapons as authorized

7. Appropriate amount of ammunition for weapons training and qualification

8. Portable hand held radio with earpiece or microphone

9. Chemical agent mask

10. Utility uniform of color and pattern consistent with the area of operation

11. Self Aid / Buddy Aid Kit

B. SRT members will utilize appropriate utility type uniforms and footwear, of an approved color/pattern.

C. Uniforms will utilize clearly visible and identifiable placards, patches, badges, or lettering that identifies the wearer of the uniform as a law enforcement officer. The SRT Supervisor must approve all other items of personal wear or equipment.

D. Team members are responsible for the care and maintenance of all equipment issued to them. Members must take appropriate care to maintain the equipment in full mission readiness. The SRT Supervisor will conduct a documented inspection of all SRT members' assigned equipment quarterly for operational readiness.

XII. SPECIAL EQUIPMENT

A. The SRT may utilize special equipment, as listed below, in an attempt to lessen the risk of injury or death to all persons concerned during the performance of an SRT operation. The SRT recognizes however, that the use of the special equipment in no way implies or guarantees that injury or death will not occur during an SRT operation.

1. Primary Entry Weapons: submachine guns and entry shotguns; a short-barreled weapon which enables the team member to acquire rapid target acquisition, enhances high levels of accuracy and provides maneuverability, reliability, stopping power and the ability to sustain fire.

2. High caliber rifles: commonly referred to as counter-sniper rifles, these weapons allow the team member to place highly accurate rounds where needed to help resolve life-threatening incidents.

3. Authorized officers must successfully complete a TCOLE approved training course on the specified weapon and re-qualify with the weapon at least annually.

4. SRT members are authorized to carry assigned weapons in their vehicle on a daily basis at the discretion of the SRT Supervisor.

    a. The weapon will be secured in the trunk of the vehicle with a locking device.

b. These weapons will not be left unattended in the interior space of a vehicle.

5. Less Lethal Weapons or Ammunition: weapons or ammunition that propel a round or device that is less lethal in nature. Designed to offer an alternative to the use of deadly force when appropriate.

6. Flash/Noise Diversionary Devices: designed to save lives and reduce the potential for shooting situations by providing for diversion for the entry of SRT members into a hazardous area. Utilizes a bright flash of light followed immediately by a loud noise.

7. Breaching Tools and Ammunition: items such as rams, pry bars, hydraulic or electronic machines, etc. which are designed to force entry into barricaded or secured areas.

8. The SRT Supervisor will insure that only team members properly trained and certified in the use of the special equipment will utilize the equipment. The SRT Supervisor will be responsible for establishing the certification standards and criteria for the team.

XIII. AFTER ACTION CRITIQUE

A. At the completion of all operations and significant training events the SRT Supervisor will conduct an after action review.

B. The purpose of this review will be to create a forum for team members to offer information for the improvement of the team.

C. After Action Report requirements are discussed in Policy 26.1 Unusual Occurrences.

	Subject: Radio Communications	Issue Date: 11/30/2015
	Chapter: 27	Revision Date: 05/01/2020
	Policy: 27.1 Reference: TBP: 3.18, 9.01, 9.02, 9.03, 9.04, 9.05, 9.06, 9.07, 9.08	Total Pages: 9 Chief Bunch's signature

Radio Communications

I. POLICY

Accurate communication is essential in the operation of a department. The Communications Center is operated by the Bastrop County Sheriff's Department. It is a 24-hour operation designed to provide safety and security to police personnel and respond to the needs of the public. It is essential that every step in our communication process be conducted concisely, effectively and properly.

II. PURPOSE.

To establish guidelines for the proper response to calls received through the 911 System.

III. DEFINITIONS.

A. E 9-1-1: Enhanced 911 means when a 911 call is received, the address of the caller is displayed. The telephone number 911 is intended for emergency telephone communications to the department. (TBP: 9.05)

B. Call-Taker: Any employee who answers an E9-1-1 telephone call.

C. Unknown 911: That a call has been received on the E9-1-1 System and the caller will not or cannot communicate verbally with the call-taker. The address and telephone number of the caller will generally be available.

D. Call-Taker Training Manual: The manual produced by the Regional 9-1-1 Emergency District for the purpose of uniform training of call-takers within the district's jurisdiction and including this department.

E. ANI: Automatic number identification and refers to the display on the call-takers screen of the caller's telephone number when the E9-1-1 line is answered.

F. ALI: Automatic location identification and refers to the display on the call-takers screen of the callers address when the E9-1-1 line is answered.

IV. GENERAL

A. The Bastrop County Sheriff's Department Communications Center operates 24 hours a day and has 24-hour two-way radio communication with all members of the Bastrop ISD Police Department when operating in the field. (TBP: 9.01, 9.06)

B. The Communications Center is a secure facility and no unauthorized personnel are allowed inside the facility without the express approval of a Communications Supervisor. (TBP: 9.02)

C. All tours or visits of the facility will be coordinated and approved in advance by the Communications Supervisor.

D. Bastrop ISD Police personnel will limit their access to the Communications Center to business related tasks.

E. The Communications Center has an Emergency Back-up Generator for power and portable radios and cell phones for communications in the event of a power failure. In the event of an extended power failure and in-coming 911 calls are at risk, the 911 calls should be transferred to another PSAP and police and fire call response initiated by cell phone or portable radio systems.

F. The back-up generator is maintained by public works and receives a documented test monthly. The Communications Supervisor will ensure continuing documentation of generator testing. Any failure during a test will be reported to the Sheriff immediately. (TBP: 9.04)

G. The Bastrop County Sheriff's Department dispatch consoles have a recording system that records all telephone and radio transmissions and allows for immediate playback if necessary. (TBP: 9.03)

V. COMPLIANCE WITH FCC RULES AND REGULATIONS

A. Employees will comply with FCC regulations relating to the use of radio communication 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 frequency on which they intend to transmit for a sufficient period to ensure that their transmissions will not cause interference to others.

4. Duration of radio transmissions must be restricted to the minimum practical transmission time.

VI. 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 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 dispatched calls using proper radio etiquette or by MDT/MDC.

F. Upon arrival at a scene officers will notify the dispatcher if no other units are needed.

G. If an incident is found to have occurred somewhere other than at the dispatched location, officers will update their locations by radio or via message to the 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 in 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, or via a cell phone if available. Long 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 another employee 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 will be by radio or cell-phone as required.

VII. 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 as many officers as are available.

VIII. 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 to their primary channel.

IX. 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.

1. When called upon by subordinates, supervisors will respond to any scene when requested.

X. MDT/MDC COMPUTER USAGE

A. The Mobile 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 use of the MDT. Additionally, messages:

   1. Will not be personal in nature;

   2. Will not contain derogatory references to other persons or agencies; and

   3. Will not contain any text a reasonable person would find offensive.

B. Because messages sent with the MDT system slow the system's 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 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 safely pull to a safe location before utilizing the keyboard.

XI. CALL HISTORY

The following information will be created and maintained regarding each request for police services (call for service) and officer self-initiated activity and will include:

A. Case or service number;

B. Date and time of request;

C. Name and address of complainant, if possible;

D. type of incident reported;

E. location of incident reported;

F. identification of officer(s) assigned as primary and backup;

G. time of dispatch;

H. time of officer arrival;

I. time of officer return to service; and

J. disposition or status of reported incident

XII. 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 where an immediate response is required 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 should be handled first.

2. The Communications Director shall establish the Call Priority list as needed to respond to the needs of the community.

B. Assignment of Priority Calls

1. Units Available/Units Not Available

a. Calls for service shall be assigned to the in-service officer

b. Supervisors will monitor dispatching of Priority One calls and ensure that officers are, or 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 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. Communications center personnel in responding to victim/witness calls for information or service 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 for 90 days and are digitally recorded and secured. Reviewing recorded conversations will be conducted:

1. For quality assurance for EMS protocol. Medical calls shall be randomly reviewed.

2. Upon requests by internal and external sources or personnel such as the prosecuting attorney office, department Detectives, Internal Affairs, etc.

3. To randomly monitor staff for training purposes.

E. Death messages, other criminal justice agency messages and check welfare calls will be entered as a call for service and require officer response.

XIII. 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 shall also receive full training in:

1. TCOLE Basic Telecommunications Officer Course

2. Operations of the Record Management System

3. District and Departmental Policies

XIV. WARRANT MAINTENANCE (TBP: 9.08)

A. The Bastrop County Sheriff's Department maintains the original of all traffic and criminal warrants originating from Bastrop ISD Police Department.

B. The Department will comply with all TCIC/NCIC requirements for warrant maintenance, entry, removal and auditing.

C. New Warrant Entry

1. New warrants shall be directed to the on duty Communications Officer who shall inspect the warrant for validity on its face and enter the warrant into the appropriate computer system. The date, time and initials of the person entering the data into TCIC/NCIC will be placed on the back of the warrant and the warrant will be filed in the proper warrant file.

2. Only members of the Communications Division are allowed access to the warrant file.

D. 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 Officers shall confirm the presence of the Warrant and provide any identifying information such as description, driver's license or other identifying numbers, to ensure the proper person has been stopped.

3. If the officer states that it is the correct person and that an arrest is made, the Communications Officer will provide the warrant number, date of warrant, charge, amount of bond, and provide person's name.

4. If the officer is from this agency, the officer will pick up the original warrant before delivering the prisoner to the jail. If the officer is from another jurisdiction, the Communications Officer will teletype the warrant information to the appropriate location and place the original warrant on the Communication Supervisors' Desk for proper dissemination and retention.

5. Communications Officers will not confirm a warrant without physically locating the original of the warrant.

E. Removal of Warrants

1. After a warrant has been confirmed and an officer has arrested the individual, the Communications Officer will copy the warrant before it is picked up by the officer. The Communications Officer will remove the warrant from the TCIC/NCIC computer file, note the time and date removed and the officer's initials on the front of the copy, and place the copy on the Communications Supervisor's desk.

2. The Communications Supervisor will run a computer check to ensure the warrant has been removed from the respective files.

3. Original warrants that have been served by other jurisdictions shall be forwarded back to the originating officer for delivery to the appropriate court.

	Subject: Medical and Psychological Examination	Issue Date: 08/26/2024
	Chapter: 28	Revision Date: 08/26/2024
	Policy: 28.1	Total Pages: 1 Chief's Signature:

MEDICAL AND PSYCHOLOGICAL EXAMINATION OF A LICENSEE

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 RESPONSIBILITIES

A. 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.

B. 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

A. 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.

B. Such indications may include, but are not limited to the following:

1. An abrupt and negative change in the member's usual or normal behavior;

2. A pattern of irrational conduct, hostility, or oppositional behavior;

3. Personal expressions of instability;

4. Inappropriate use of alcohol or other substances, including prescribed medication;

5. A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions; and

6. Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

7. Supervisors shall maintain the confidentiality of any information consistent with this policy.

V. REPORTING

A. 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.

B. The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

C. 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

A. The appropriate supervisors within the member's chain of command should make a preliminary determination regarding the member's duty status.

B. 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.

C. 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.

D. Members relieved of duty shall comply with the administrative leave provisions as set out by agency policy.

E. The chief administrator shall be promptly notified if any member is relieved of duty.

VII. FITNESS-FOR-DUTY EXAMINATION

A. A fitness-for-duty examination (FFDE) may be ordered whenever circumstances reasonably indicate that a member is unfit for duty.

B. DEFINITION OF A FFDE:

1. An FFDE is a formal, specialized examination of an incumbent member that results from:
2. Objective evidence that the member may be unable to effectively perform a defined job function; and
3. 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.

VIII. THRESHOLD CONSIDERATIONS FOR A FFDE:

A. Referring a 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:

1. May be unable to perform one or more essential job functions; or

2. Poses a direct threat to themself or others.

B. An objective basis is one that is not merely speculative but derives from direct observation or other reliable evidence.

C. 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.

D. The examiner strives to remain impartial and objective and to avoid undue influences by any of the parties involved in the case.

E. Mental health professionals refrain from rendering fitness-for-duty opinions when they are not conducting an FFDE.

IX. Process for Non-Sworn Personnel

A. 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.

B. 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.

C. 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.

D. 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.

E. All reports and examinations submitted by the examining practitioner shall be part of the member's confidential medical file.

F. 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.

G. 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.

X. PROCESS FOR PEACE OFFICERS

A. 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.

B. 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.

C. To facilitate the examination of any member, the agency will provide all appropriate documents and available information.

D. 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.

E. 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.

F. All reports and examinations submitted by the examining practitioner shall be part of the officer's confidential medical file.

G. 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.

H. 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.

XI. AGENCY'S RESPONSIBILITIES TO NOTIFY TCOLE

A. License Holder: A Texas County Jailer, Peace Officer, or Telecommunicator.

B. 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.

C. 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.

D. 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.

XII. FITNESS-FOR-DUTY EXAMINATION MINIMUM STANDARDS

A. 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.

B. 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.

C. 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.

	Subject: Department Service Animal Programs	Issue Date: 11/05/2024
	Chapter: 29.1	Revision Date: 2/07/2025
	Policy: **Reference:** TBP 5.01, 5.02, 5.03, 10.02(f)	Total Pages: 20 Chief Bunch's Signature:

I. **Purpose and Scope:** The purpose of this policy is to outline mandates relating to the use of department service dogs in the law enforcement operations: to provide guidelines for the management and tactical deployment of patrol canines.

II. **Policy:** It is the policy of the Bastrop ISD Police Department to utilize patrol canines as a valuable supplement to police resources, due to their superior senses of smell and hearing and their physical capabilities. Utilization of canines requires adherence to procedures that properly control their use-of-force potential and channel their specialized capabilities into legally acceptable crime prevention and control activities. As such, it is extremely important that any canine acquired by the department is thoroughly trained and successful in patrol functions so that the canine can be confidently and predictably handled in highly stressful situations.

III. **Objective:** It is the objective of the Drug Detection Canine Program (Narcotics) is to assist officers in locating and seizing illegal narcotics that might otherwise go undetected without the canine's drug detection capabilities

IV. **Procedures:**

A. **Responsibilities of the Detector Canine Supervisor**

1. Serves as the immediate supervisor to the canine handlers.
2. Conducts performance evaluations of canines/handlers within their area of responsibility.
3. Validates weekly drug detector canine proficiency training records to ensure adherence to the established training program, procedures, and guidelines.

4. Conducts inventory of canine handler training aids and equipment every 6 months.

5. Ensures that training materials are properly stored and separated to prevent any scent contamination.

6. Checks and routes all reports related to the Detector Canine Program through the proper channels. All original copies of canine reports shall be kept at the district level.

7. Coordinates all detector canine training within their area of responsibility.

8. Monitors care and well-being of canines within the region and supervises care and feeding of canines when the handler is unavailable.

9. Coordinates training and certification

B. **Responsibilities of Detector Canine Handler**

1. Maintains a reliable detection capability through ongoing proficiency training.

2. The handler presents training problems for the canine on a daily basis, when possible.

3. Reports any change or discrepancy in the performance of the canine to their Supervisor and Chief of Police

4. Ensures that the canine is kept in good physical condition.

5. Provides training to area personnel regarding safe conduct around the canine, as well as appropriate operational uses of the canine.

6. Maintains in good condition all canine-related equipment, including the canine vehicle.

7. Records all training and working activity of the canine, submitting this information as appropriate.

8. Maintains training aids in a secure location when not in use.

9. Attends the bi-monthly proficiency training and the yearly recertification training with the canine.

10. Ensures all searches with the canine are in compliance with the law and/or policies and procedures.

11. Maintains the canine first aid kit.

12. Maintains an appropriate level of control of the canine at all times to eliminate the possibility of biting incidents or the canine jumping on people.

13. Attends training courses and meetings regarding detector canines.

14. Submits all required reports to in-line supervisor and Chief of Police.

15. Cleans the kennel and vehicle regularly to ensure a sanitary living and working environment for the canine.

    a. The handler will clean the home kennel daily. The canine vehicle, vehicle kennel and canine carrier will be cleaned and sanitized weekly to ensure the control of fleas, parasites, and disease.

    b. When kenneled, fresh water will be available to the canine at all times.

16. Maintains a stress-free environment for the canine at home.

17. Grooms the canine daily.

18. Ensures that the canine receives all required vaccinations and regular medical checkups.

19. Complies with Department policy concerning the Detector Canine Program.

20. Reports to all scheduled assignments.

C. **Personnel Guidelines.**

1. Supervisors are responsible to ensure all employees in their command are aware of the proper protocol when working near a Department canine.

2. To ensure minimum stress for the canine and a safe working environment for Department employees who come in contact with a Department canine, the following rules of conduct shall apply:

3. Department personnel shall not provoke, tease, harass, or abuse the canine.

4. Department personnel shall not reach into a canine unit with the canine inside except in emergency situations.

5. Department personnel shall not attempt to feed the canine or retrieve objects from the canine unless directed to do so by the canine's handler.

6. Department personnel other than the canine handler shall not give commands to the canine except in emergency situations.

7. Department personnel shall not engage in any activity which could be perceived by the canine as an assault upon the handler.

8. Department personnel shall not approach or pet the canine without the consent of the handler and only when the handler is present.

9. When the canine team is utilized in a specific tactical situation/search, Department personnel shall heed the directions of the canine handler as it relates to the canine. The handler shall make the final decision regarding utilization of the canine based upon the safety of the canine and everyone involved.

D. **Duty Status.** Handlers must keep in mind that all activities with their canine, whether on duty or off duty, reflect upon the credibility of the canine team, the Department's canine programs, and ultimately the Department. Therefore, the following shall apply:

1. Canines will be securely kenneled or under the controlled supervision of their handler while off duty.

2. Department canines may not participate in any on-duty or off-duty presentations, demonstrations, competitions, or shows unless approved by the Chief of Police.

3. Handlers are not to involve themselves in any off-duty activities, which may bring discredit upon the Department or the canine program.

4. Handlers shall not take the Department canine on vacation.

E. **Canine Handler Schedules and FLSA Guidelines**. The canine team's primary responsibilities will be canine support of patrol, special assignments, and proficiency training. When canine handlers are not on a specific assignment, they will perform routine patrol duties at their duty station or other location with emphasis on criminal interdiction. This policy does not relieve the handler of

responding to emergency situations that may present themselves at their duty station or other location that they may be working.

1. Certification, training, and veterinarian appointments will be scheduled on the handler's regular duty days. Advance coordination between the canine handler and the supervisor is important in order to maintain some continuity in the canine handler's schedule. Some adjustment of the handler's days off may be necessary.

2. To ensure the Department is meeting FLSA requirements, every canine handler shall be compensated $400.00 a month for care and maintenance of the canine.

V. HANDLER SELECTION CRITERIA.

A. To fully utilize the extensive training required for both the canine and the handler, and to provide consistency in the working relationship for the canine, candidates should make a voluntary commitment to the Canine Program for a minimum period of three years. Cases of promotions and transfers will be handled on a case-by-case basis.

1. Candidates should have a minimum of three years of experience as a patrol officer. This guideline should not preclude the Chief of Police from considering a candidate with less time who is deemed to possess the best overall qualifications.

2. Candidates should possess exceptionally good work habits, a marked degree of resourcefulness, dependability, and patience. Candidates must be in good physical condition as the detector canine training and the deployment of the canine is physically demanding.

3. Candidates must maintain a suitable residence to accommodate a canine and kennel and reside within a thirty (30) statute mile radius of their assigned duty station (or within the mileage approved by that chain of command). No member will be considered who resides in an apartment complex, duplex, or trailer park, or cannot keep his/her canine at his/her home.

4. Candidates interested in the canine program and who meet the selection criteria should submit an interoffice memorandum through their chain of command. The chain of command will note their recommendations and forward the memorandum to the Chief of Police.

5. The Chief of Police or their designee will interview and test all applicants and make recommendations based on the Department's need and the candidate's suitability.

6. All candidates will attend an interview board chaired by the Chief of Police or their designee and participate in a field evaluation.

7. If needed, the family should also be interviewed to explain the requirements of the program and to determine the family's full cooperation in the program.

8. The Chief of Police will make the final selection of handlers.

VI. CANINE SELECTION CRITERIA.

A. In order to be utilized as a Department canine, the Bastrop ISD Police Department must own the animal. Department canines will meet the following criteria:

1. Be at least middle-sized: 40 -100 pounds.

2. Have proportionate lines harmonious with a straight, solid back and shoulders.

3. Should be a minimum of 12 months of age, or a maximum of three years of age at adoption. The Chief of Police may elect to adopt canines at any age based on the needs of the program.

4. Possess good health, appearance, stamina, a self-right temperament, and a near frantic desire to retrieve.

5. Have a general physical examination to include a fecal examination, DHLP, rabies boosters, and heartworm test.

6. Before any dog is considered for Departmental training it must be tested and evaluated as to its fitness for service.

7. The Chief of Police will make the final selection of canines for the Department.

B. **KENNELING.** The importance of the care and boarding of the canine cannot be overemphasized. Unless otherwise stated, the guidelines outlined in this section are the responsibility of the canine handler.

1. The canine shall be housed at the home of the handler in the kennel provided by the Department.

2. The canine shall not be allowed to roam at will. When off duty, canines may be let out of their kennels while under the direct control of their handlers.

3. The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

4. When the canine is kenneled, the kennel door shall be securely locked with a padlock or similar locking device.

5. The handler will ensure a safe and restful environment for the canine, safe from attack from other animals, and devoid of distractions that interrupt rest.

6. Conflicts with other family pets must be resolved in a reasonable period of time.

7. Unresolved conflicts or lack of a suitable living environment will be sufficient cause for removal of the canine and reassignment of the officer.

8. The Supervisor will conduct inspections of the canine, kennel, and the canine's general living quarters bi-annually (January-June and July–December). These inspections will be documented on the prescribed form and a copy routed to the Chief of Police.

9. Except for temporary and emergency kenneling addressed in this policy, no canine will be housed at another location, or under other conditions, unless approved by the Chief of Police.

C. Care of the Canine in the Handler's Absence

1. If the handler is absent from his/her home for less than 12 hours, the canine may be left unattended, but securely locked within its own kennel.

2. If the handler is absent from his/her home for more than 12 hours, the canine may be left in the care of a responsible person at the handler's

residence. If the handler is absent from his/her home for more than 12 hours and no responsible person is available to care for the canine, then with proper supervisory approval, the canine shall be housed at an approved kennel.

3. The kennel utilized should be approved by the canine handler's immediate supervisor and be either:

a. A kennel provided by a licensed veterinarian; or

b. A private kennel which (except in the case of an emergency), has been inspected and approved prior to placing canine in the kennel.

4. If at all possible, the kennel selected should provide for 24-hour access by the handler to the canine.

5. The kennel utilized should provide a weather-protected area for the canine to be housed and the canine should be placed in a kennel separate and, if possible, away from other animals.

6. The canine handler's immediate supervisor will be notified of the canine's status whenever the circumstances outlined in items 2 and 3 above are applicable.

7. The Department will pay for the handler to kennel their canine for a total of twenty days during a fiscal year. Accommodations can be made by the Department in the case of an emergency.

VII. CARE AND MAINTENANCE

A. Care. It is the responsibility of the handler to keep his/her canine in such physical condition that the canine is able to perform the duties expected of a drug detector canine.

1. Any indication of poor health or physical condition shall be reported immediately to the canine handler's immediate supervisor and the Chief of Police.

2. The canine should be groomed daily by the handler. Upon completion of grooming, the canine will be thoroughly examined by the handler. The canine shall not be taken to a professional groomer.

3. Breeding of Department canines is prohibited.

4. All collars will be approved by the Chief of Police.

B. **Maintenance.** The selection of a well-trained and experienced veterinarian is critical to the well-being of the canine. Each handler should be selective as to whom they employ to care for the canine. A well-established veterinarian in the community, one who understands not only canines but also law enforcement canines, should be employed.

1. The veterinarian should be available 24 hours a day in case of an emergency, provide individual instruction to the handler on canine nutritional needs and disease recognition, and be willing to maintain separate medical records for the canine. Additionally, the veterinarian's place of business should be located within a reasonable distance of the handler's residence.

2. Upon selection of the local veterinarian the canine handler should notify his/her immediate supervisor and the Chief of Police of the name, address, and telephone number of the veterinarian selected.

3. Upon taking possession of a canine, the canine handler will arrange to have the canine thoroughly examined by a veterinarian. The selected veterinarian will update any inoculations that are needed. At this examination, the veterinarian should prescribe the monthly or daily medication needed to prevent heartworm or hookworm infections. Any deviation from this policy will require justification from the attending veterinarian and approval of the Chief of Police. Any medical records and x-ray accompanying the canine should be turned over to the veterinarian and kept in the canine's medical file. All medical records, excluding x-ray, will be copied and one copy kept by the canine handler in his office, one copy will be kept in the canine vehicle at all times, and a copy will be forwarded to the Chief of Police to be placed in the canine's permanent file.

4. After the initial visit with the veterinarian, it is anticipated that, except for any necessary emergency care, the canine's veterinary needs will be limited to a general checkup every six months and a complete physical each year.

5. The canine should be examined twice a year to determine its general state of health and run complete blood chemistries. At least once a year a feces examination to determine parasite infestation should be conducted during the examination. All core inoculations shall all be kept current, as well as any additional as recommended by the treating veterinarian. Dental prophylaxis will be completed as needed.

6. X-rays should only be taken when there is suspicion of a specific type of injury, or when recommended by the treating veterinarian. Excessive X-rays, combined with medication administered to anesthetize the canine may jeopardize the canine's health. Whenever possible, anesthesia should be avoided.

7. The canine handler will coordinate all veterinary care, not of an emergency nature, with the canine handler's immediate supervisor.

8. Veterinary care of an emergency nature may be performed by any available licensed veterinarian. The canine handler's immediate supervisor will be notified as soon as practical of the emergency.

    a. At the first opportunity following the emergency, the handler's immediate supervisor and Chief of Police will be advised of the nature of the injury, how it occurred, diagnosis, and the treating veterinarian.

9. Each drug detection canine handler will be furnished with two (2) 1ml syringes and two (2) 0.4 mg per ml ampules of Naloxone HCL. The syringes and ampules should be checked periodically by the handler to ensure that they have not been damaged and that they are not beyond their expiration date. One syringe and ampule should be carried in the canine vehicle at all times for emergency use. The other syringe and ampule should be stored in a cool secure place in the handler's office until needed.

10. All veterinary care will be documented by the canine handler; a copy will be sent to the Chief of Police.

11. Department canines will be licensed within the communities of residence, if required. All canines will be registered via microchip by the Chief of Police.

C. Feeding

1. In order to maintain a good state of health, the daily diet of the Department detector canines must be strictly controlled. The normal nutritional requirements necessary to maintain a canine functioning under the stress of a detector work environment are provided by any dry quality commercial canine food. Selected food shall be approved by the Chief of Police.

2. If the veterinarian prescribes a special diet, the handler's in-line supervisor and Chief of Police will be notified.

3. Canine handlers are responsible for ensuring that an adequate supply of approved canine food is on hand at the kennel. The Chief of Police must approve any change of approved canine food. The canine handler is also responsible to ensure that a food stock level rotation procedure is established that ensures the oldest food is fed first. All canine food will be stored in rodent proof containers.

D. **Transportation of the Canine.** While conducting police business, the canine shall be transported in the canine patrol vehicle. While in transport, the canine will remain in the canine carrier with the emergency door closed. Because the canine is not secured in the vehicle and are therefore at significant risk of injury during pursuit driving, the handler should consider the welfare of the animal before participating in pursuits or other emergency driving situations. Canine handlers should not take over pursuits, be the lead unit, or engage in vehicle disabling techniques unless a substantial risk to the public exists if the violator is not stopped. This is not, however, intended to prevent canine handlers from taking the appropriate enforcement actions necessary to perform their duties.

1. When the canine is left unattended in the vehicle and out of the handler's immediate view, the handler will ensure that the canine has water, the vehicle is locked, and, if equipped, the anti-theft device activated. The vehicle's climate control system should be set at an appropriate temperature and the temperature monitor must be activated. The handler shall wear the temperature monitor pager any time the canine is left in the vehicle unattended.

2. All K-9 units will have a heat alert system installed. Handlers must check their heat alert systems for any malfunctions daily at the beginning of each shift. These systems must also be checked and documented by supervisors when conducting check rides to confirm that they are being utilized and tested for functionality. If the heat alert system is not working correctly, it must be repaired/replaced as soon as practical. If a malfunction occurs, the canine shall not be left unattended in the vehicle unless ambient temperatures are permitting, and windows can be left down. If these systems have an optional setting for the max temperature before activating, it should not be greater than 90 degrees, and there should be no delay set. Canines shall not be left unattended without being checked on for more than 30 minutes unless exigent circumstances exist. If handlers are in the office or out of range from the unit paging system, setting up the portable crate indoors is the best option.

E. **Canine Bite and Injury Procedures.**

1. All canine bites and injuries to canines, trainers, or anyone else having contact with the canine, must be reported immediately to the canine handler's supervisor. This section does not include those minor bites common to standard canine training and handling.

2. The following procedures shall be followed when a canine bites or injures any person whether on or off duty:

    a. Provide all necessary first aid and arrange for any necessary medical attention for the victim.

    b. Contact the first-line supervisor immediately. The first-line supervisor will conduct an investigation into the incident.

    c. The handler will prepare a detailed written memorandum explaining the incident.. This will be completed as per policy.

    d. Written statements from the victim and any witness shall be obtained.

    e. If possible or practical, color photographs of the injured area as well as full body photographs of the victim are to be taken.

    f. Copies of the victim's medical treatment records shall be obtained, if possible.

    g. The complete report package should be forwarded through channels with a copy to the Chief of Police.

    h. If the victim is a Department employee, all necessary Workers' Compensation forms shall be completed in accordance with instructions listed in the District's Policy.

F. **Damage as a Result of Canine Action.** When conducting canine searches, care should be taken to prevent damage to the property of any involved person. Should damage occur, the canine handler shall:

    1. Notify his/her immediate supervisor who shall investigate the incident.

    2. Photograph the damage and take statements from witnesses.

G. Injury to the Canine Handler

1. Medical attention shall be requested immediately for a seriously injured canine handler. In instances where the canine is not secured, an untrained officer shall not approach the injured handler except:

    a. When given clearance to do so by the injured handler.

b. When the canine can be called away from the injured handler and secured.

2. On-scene officers shall attempt the following procedures to secure a canine of an injured handler:

    a. Attempt to call the canine to a secure location using a towel or retrieving dummy to attract the canine.

    b. If necessary, contact another handler to secure the canine.

H. **Injury to the Canine.**

1. In the event that emergency medical services are required, first aid shall be applied, and the canine shall be transported to the canine's normal veterinarian, or if unable to contact the canine's normal veterinarian, the canine may be taken to any licensed veterinarian.

2. The in-line supervisor shall be notified as soon as possible after attending to the canine.

3. In non-emergency medical situations, the handler shall advise the in-line supervisor prior to transporting it to the veterinarian. No surgery except emergency surgery will be performed without prior notification of the Chief of Police. If a canine dies unexpectedly or as a result of injuries that are unexplainable, the Chief of Police in coordination with the affected District Commander will determine if a necropsy (an animal autopsy) or investigation will be performed.

I. **Retirement of the Canine.**

1. The average working life of a law enforcement canine is six to eight years. The Chief of Police or their designee may retire a canine as he deems appropriate. If a canine is no longer productive or its health prevents it from performing its duties satisfactorily, the canine shall be retired.

2. The justification for retirement shall be documented on a memorandum from the Chief of Police with substantiation from the canine's veterinarian, or in-line supervisor if applicable.

3. The intended disposition of the canine shall be articulated in the memorandum.

    a. The canine will normally be awarded to the canine's handler if the handler wishes to keep the animal.

b. In the event that the handler does not wish to keep the canine, the Chief of Police shall make a determination of the most humane disposition. Generally, the Department would retire the canine to a good home, with an ownership liability transfer document, that consists of a letter from the Chief of the THP Division.

VIII. UTILIZATION OF DETECTOR CANINES.

A. Techniques used to examine areas remain essentially the same as when executed without a detector canine. Regardless of size, each portion of the area to be examined should be thoroughly screened by the canine handler. Systematic employment procedures are essential for effectiveness and should be followed in the exact manner in which the canine was trained. Canines shall be employed on or off leash and the discretion of and under the direct control of the handler. When utilizing a canine team, the area to be searched should not be disturbed prior to the canine team's arrival and items should not be removed from the area, because this could contaminate the area to be searched.

1. However, a good visual inspection of the area prior to the deployment of a detector canine should always be conducted unless:

   a. Time does not allow a visual search to be conducted prior to the deployment of the canine team.

   b. The canine handler specifically requests that the area not be disturbed prior to their arrival.

2. The handler must use his/her initiative, never overlooking the obvious, and indicate to his canine each area which should be examined.

3. To ensure maximum effectiveness, the canine should be worked as long as he maintains his/her interest in a detection operation. This will normally vary from one canine to another, depending on the canine's attitude and complexity of the operation. There are various other facets such as climatic conditions, etc., that will be influencing factors which contribute to how long a canine may be continuously employed in an operation. Normally, a canine can be expected to work continuously for about twenty to thirty minutes, although this can vary significantly either way. When the handler notices that his/her canine is losing interest in an examination, a short rest will restore the canine's interest, or a task-related training exercise will stimulate further employment.

4. While detector canines have many times proven their value under actual working conditions, certain factors may often limit their successes. Among these factors are utilizing improper employment techniques, working the canine when he/she is fatigued or subjected to excessive distractions, and overestimating the canine's ability to perform a specific task. Proper planning, careful supervision, realistic employment, and adherence to basic principles can overcome most of these limitations.

5. Detector canines are particularly useful and should be fully utilized to search passenger vehicles and other conveyances, cargo, buildings, and premises. A detection canine team should not be restricted to anyone's activity. When the canine is employed, the handler is responsible for the canine's safety and must not endanger his/her animal through careless or hazardous employment.

6. In order to be effective during detection operations, there must be cooperation, and never an atmosphere of competition, between the canine handler and their co-workers.

7. Department canines will not be used to search an area or a vehicle that has already been searched by another agency's canine.

IX. DEPLOYMENT CONSIDERATIONS

A. **Vehicles.** The canine's capability should be used to the maximum in this particular area. When a canine is employed to examine a vehicle for odors, it should be accomplished before being examined by another officer for the same purpose. This eliminates the possibility of freshly disturbed areas in the vehicle, attracting the canine's attention, which in many cases may distract him/her from conducting a detailed examination.

1. The proper method for utilizing a canine to examine a vehicle is as follows: When a suspect vehicle is to be examined by the canine, all occupants must be removed from the vehicle. The vehicle occupants should be a safe distance away in order to allow the handler and canine to examine the vehicle without interference. The vehicle should be examined, using the appropriate vehicle examination sequence.

2. The handler must closely observe the canine's reaction when examining all vehicles. In some cases, the canine may indicate a "general interest" or "abnormal reaction" if they detect an odor but are unable to locate its source. The handler must pay particular attention to the canine's reaction and recognize the canine's detection indications in this type of situation.

3. When examining vehicles with a drug detector canine, the handler must ensure that the canine does not soil or otherwise damage the upholstery of the vehicles.

4. Detector canines may be utilized to search small aircraft, boats, mail receptacles and buildings if requested.

B. **Cargo/Luggage.** Detector canines should be utilized to examine freight in commercial vehicles, warehouses, and in other areas where cargo is held. When large containers are examined, they may have to be opened and the cargo separated. This permits the canine to conduct a close examination of the contents. When a canine is employed to examine a truckload of merchandise, the truck may have to be unloaded sufficiently to allow examination of all areas of the conveyance and merchandise. Canines should not climb on stacks of cargo to search for explosive material.

C. **Open Area Searching.** A detector canine is an extremely effective aid to be used in a search for odors in a large open area. In cases like this, the canine's ability to detect and respond to odors being carried through the air can be a timesaving factor that will greatly enhance the effectiveness of the operation of such a mission.

1. The immediate area in which the canine is working should be cleared of all unnecessary persons. Since some people have an inordinate fear of canines or are allergic to them, canines should not normally be employed in extremely close proximity to people.

D. **Buildings.** The capability of a detector canine to assist in searching for odors inside buildings is of great value. Depending upon the size of the building, there can be literally hundreds of places items could be concealed. The canine's ability to assist in the examination will definitely prove effective in expediting the operation. In buildings, as in other such large areas, the handler must closely observe the canine for indications of an "abnormal reaction." In many situations, the air currents in those locations will make a drug odor available for the canine to detect but will adversely affect the ability to trace and locate its source.

E. **People.** Positive response detector canines shall not be employed to examine persons. However, if a canine breaks the search pattern in obvious pursuit of an airborne scent that leads to a person standing upwind, the canine should be allowed to proceed but stopped short of making physical contact with a suspected body carrier.

X. TRAINING/CERTIFICATIONS.

A. **General.** Since the quality of proficiency training is the single most influencing factor affecting day-to-day performance reliability, its importance cannot be overemphasized. Proficiency training is divided into two categories, task and non-task related. Each compliment and supports the other and both must receive continuous attention.

1. Task-related training is concerned with the animal's attitude and performance in the normal Department work environment. It is through this medium that the animal's motivation is maintained, and performance shortcomings are identified.

2. Non-task related training is concerned with response and must be conducted at locations other than the canine's normal work environment. Non-task related training is designed to correct employment shortcomings and maintain the detection/response capability.

3. Handlers must report any developing signs of canine aggression toward people. Appropriate remedial action must immediately be taken to dispel any aggressive tendencies toward humans.

B. **Proficiency Training.** Maintaining the proficiency of a detector canine is the primary responsibility of the individual handler. It must be strongly emphasized that for detector canines to maintain proper proficiency there must be continuous training with various amounts and all types of substances/materials, which the canine possesses the capability to detect. To ignore proficiency training will result in total regression of the canine's detection capability.

1. Proficiency training, and the procedure of rewarding the canine, must be conducted in the same manner as the basic sequence used to initially train the canine. Each exercise must be realistic and challenging to the canine.

2. During proficiency training, the handler must use extreme caution to prevent contaminating the training aids with his/her odor. The handler shall always wear plastic gloves when working with training aids. Also, the handler should not always conceal training aids in exercises for his/her own canine. Nor should he/she always know where the training aid is concealed. This will result in a more realistic exercise and will eliminate the human factor of possibly influencing the canine to only examine the particular area of concealment.

3. Assistance to build training aids and conduct proficiency training exercises should be coordinated with the handler's immediate supervisor. The assistance can be solicited from coworkers in the

handler's immediate jurisdiction and adjoining jurisdictions. The handler is required to have assisted training every week.

4. A Department canine will NOT be trained to detect any odor except those approved by the Chief of Police.

5. Drug detection canines should train a minimum of four (4) hours per week of proficiency training. This can be occasionally waived by the Sergeant in disasters, criminal investigations, and other such activities, but should not be a common occurrence. This waiver should be documented on the handler's training log.

C. **Proficiency Training Evaluations.** Training evaluations of the detector canine teams will be conducted by a certified trainer and the certified trainer shall provide a written evaluation of the K9 and handler's performance.

D. **Annual Certification.** Every Department handler/canine team will be required to certify annually. This certification will be scheduled, conducted and evaluated by the Chief of Police (or their qualified designee). Annual certifications shall be conducted through a state or nationally recognized canine scent detection program such as the National Narcotic Detector Dog Association or similar organization.

E. **Required Performance Standards.** The performance standards to be applied to training and certifications will meet or exceed the Department Service Canine Enforcement Proficiency Certification System as outlined in Part II of the Basic Detector Canine Training Manuals.

F. **TRAINING REQUIRED**. The handler will conduct proficiency training at least 16 hours per month. Proficiency training should not last any longer than 4 hours per day. This training shall be logged and submitted to the K9 program supervisor.

G. **TRAINING AIDS.** The purpose of this section is to establish specific control procedures for the storage, use, destruction, and accountability of all materials issued to the Department Canine Handlers, Sergeants, and the Chief of Police for detector canine training.

1. For the purpose of this policy, the reference to narcotic training aid materials will include heroin, cocaine, marijuana, methamphetamine and other controlled substances as future needs dictate. References to explosive training aid materials will include Smokeless Powder, Flash Powder, Black Powder, Blasting Fuse, Safety Fuse, Chlorates (Sodium/Potassium), and Ammonium Nitrate (not ANFO). This training also includes blasting slurries, water gels, Trinitrotoluene (TNT),

Composition C-4, Detonator Cord, Nitroglycerin Dynamite, Ammonia Dynamite, PETN, RDX, Semtex, and other explosive materials as future needs dictate.

H. **Procurement of Narcotic Detection Training Aids.** The Chief of Police or their designee will be responsible for approving the type and amounts of training aids utilized by the handlers. All narcotic detection training aids will be acquired directly from the DEA.

1. The handlers may be issued marijuana, pseudo-cocaine, pseudo-methamphetamine, and pseudo-heroin in the amounts approved by the Chief of Police or their designee.

2. When the controlled substance training aids can no longer be utilized for training purposes due to deterioration, age, etc., they will be returned to the DEA for disposal.

3. The DEA will designate to processes necessary to ensure the integrity of the program that provides controlled substance training aids for drug detection canine training.

4. **Storage – Drugs**

a. All controlled substances, including those in training aid form, when not in use will be secured in an appropriate safe or approved storage cabinet. The location of the safe or storage cabinet will be approved by the supervisor. The locking device used must, at a minimum, be a three-position combination lock and/or a keyed lock. Only the canine handler, supervisor and Chief of Police will possess the combination and/or be allowed into the controlled substance safes or approved cabinet. Heroin, methamphetamine, cocaine and pseudo-heroin, pseudo-methamphetamine and pseudo-cocaine will not be stored in the same location as marijuana. Access to all controlled substance storage areas will be restricted.

b. The controlled substance training aids, when not in use, will be stored and secured in a separate safe or locked cabinet. When the canine handler no longer has need of the controlled substance training aids, they will be inventoried, receipted, and returned to the secure lockup.

c. The Chief of Police is to be notified immediately of any changes in the storage area or security of the storage area. The supervisor

will ensure that the handler has the appropriate safe location to store large training aids until they are used.

I. Training Aid Damage

1. When any training aid is damaged, by whatever means, and any substance is emitted from the aid, an attempt must be made to recover as much spillage as possible. The canine handler to whom it was issued will prepare a written department memorandum. The damaged aid belonging to a handler and the report will be turned over to the Supervisor as soon as practical or within 10 working days. The canine handler, in the presence of the Supervisor, will place the damaged aid in a plastic bag and seal the bag. The Supervisor and the canine handler will then sign their names across the seal. The damaged aid will be turned in to the DEA for replacement or disposal.

2. Appropriate entries must be made in report to DEA

3. In the event a training aid is lost or cannot be accounted for, the canine handler or Supervisor responsible will immediately notify the Chief of Police and the in-line chain of command.

    a. All thefts of training aid substances and any unexplained loss of substances are required to be reported and an investigation will be conducted by the Chief of Police, or their designee, of the canine handler or Supervisor.

    b. Documentation of the event will be provided to the DEA

4. Handlers will be responsible for conducting an inventory of all training aids used during training. This inventory must be conducted prior to leaving a training area or discarding any waste.

Bastrop ISD Police Department

Background Investigation Manual



06/06/2022

CONDUCTING THE BACKGROUND INVESTIGATION

THIS MANUAL PROVIDES A STRUCTURED PROCEDURE TO HELP YOU ACQUIRE, ORGANIZE AND REPORT BACKGROUND INFORMATION ON YOUR POLICE OFFICER APPLICANTS

A proper background investigation is an objective, fact-finding process that results in an accurate record of a candidate's past conduct and behavior. Your job, if you are a background investigator, is to investigate and report the pertinent aspects of the candidate's background, not evaluate those facts. Your investigation, therefore, should be descriptive, not evaluative.

Your objective is to provide sufficient information so the Police Chief or administrator making the employment decision can judge the significance of a candidate's past conduct in relation to the job requirements.

The background investigator's role can be distinguished from that of a criminal investigator in at least one important way. A criminal investigator is typically oriented toward negative information. Facts that might mitigate the significance of a crime or demonstrate the suspect's personal strengths and abilities are matters to be considered by the defendant's attorney or perhaps his/her probation officer, not the criminal investigator.

A background investigator, however, must consider both negative and positive information. While it is important to investigate all incidents in the background of candidates which may reflect unfavorably upon their ability to perform satisfactorily as police officers, it is equally important to include information on any mitigating circumstances surrounding an incident, which might explain or diminish its significance.

Finally, the rights of the candidate should be safeguarded throughout the process. One of those rights is the right to a fair, careful, and thorough evaluation of his/her candidacy. Another important right is the right of privacy. There is always the potential for conflict between the department's right to certain information

concerning the candidate's background and the candidate's right to privacy. It is the investigator's responsibility to avoid unwarranted invasion of a candidate's privacy while, at the same time, developing the information necessary for a sound
judgment as to the candidate's suitability for employment. This responsibility requires (1) that only job-related inquiries be made, and (2) that the information obtained be treated as strictly confidential.

THE PERSONAL HISTORY STATEMENT

The basic document on which your background investigation should be based is the Personal History Statement completed by the applicant. The candidate should be provided with a copy of the Personal History Statement, and given a reasonable length of time to complete and return it. At the same time, candidates should be given a list of the documents which they will be required to provide.

These documents include:

- Copy of the applicant's Social Security card.
- Original certified copy of applicant's birth certificate. (No photo copy)
- Copy of applicant's valid Texas driver license or a copy of another State's driver license. Applicant must possess a valid Texas driver license prior to being offered employment.
- Copy of applicants High School diploma or GED certificate.
- Sealed original certified copy of applicant's college transcript. (No photo copy)
- Photocopy of applicants college diploma.
- Copy of applicant's Peace Officer Certificate from applicant's police academy. (Peace Officer Applicants Only)
- Copy of applican'ts Texas peace officer license and all training certificates awarded. (Peace Officer Applicants Only)
- Copy of applicant's DD-214 if applicable. Must possess an honorable discharge.
- Original certified copy of applicant's Naturalization papers, if applicable. (No photo copy)
- Copy of current proof of automobile liability insurance.

Where possible, the applicant should be told as early in the selection process as possible, which documents will be required for the background investigation. Also, the applicant should be fingerprinted, and requests for criminal records sent
to the appropriate agencies as early as possible, including the FBI.

INVESTIGATIVE CONSIDERATIONS

Throughout the investigation, the investigator should keep in mind the following:

1. **Confidentiality**

    a. The information given by an applicant in the Personal History Statement, and information obtained by the investigator is private and confidential. At no time during the investigation or thereafter, should any portion of the investigation be revealed to persons other than those who are authorized to evaluate the results.

    b. As a general rule, the information gathered from third persons during the background investigation should not be revealed to the applicant. Only department officials authorized to evaluate the applicant should have access to this information. However, under various circumstances, the applicant may become aware of the contents of the investigation. For example, during the discrepancy interview some information may be disclosed when the applicant is questioned about inconsistencies or contradictions between information given in the Personal History Statement and that obtained during the investigation. During the discrepancy interview, the investigator should avoid revealing the source of any information.

    c. Other situations in which an applicant may have access to background investigation information from third persons would include federal administrative action by the Equal Employment Opportunity Commission, and state and federal court actions. These administrative agencies and courts may have rules of procedure and evidence which would give the applicant access to information gained during the background investigation.

    d. Medical information: Information gathered during the medical examination is subject to the same confidentiality restrictions as the above information. Medical or mental health information should be referred to the examining physician. All of the information gathered is to be used solely to make a sound judgment as to the applicant's physical and mental ability to perform the job

of a law enforcement
officer, and no medical information can be collected until after a conditional offer of probationary employment has been made. Medical records must be kept in a separate, restricted access file, or a sealed envelope in the regular file folder, with access only on a need- to-know basis.

2. Demeanor of Investigating Officer

The applicant and all other persons contacted during the course of the investigation may not have had prior personal contact with a law enforcement officer. It is important that they be left with a feeling that courtesy, integrity, and thoroughness are qualities of law enforcement officers in general, and of the law enforcement agency represented by the investigator.

3. Discontinuance of Investigation

If, during the course of the investigation, information is obtained which will
positively lead to rejection of the candidate, the investigator should consult
with the appropriate superior officer to determine if the investigation should
be discontinued.

4. Objectivity

It is very important that the investigator maintain objectivity throughout the
investigation. No personal biases should affect the quality and content of the investigation.

5. Evaluation of References

The investigator should carefully evaluate all relatives, references, acquaintances, and other contact persons to determine their qualifications to
speak on various aspects of the applicant's character. Consider: (1) the type
of interaction the individual had with the applicant, (2) the duration and

recency of that contact, and (3) any relevant education, training, experience,
or specialized knowledge the individual may have.

BEGINNING THE INVESTIGATION

To begin the background investigation, the investigator should carefully review the signed, completed Personal History Statement. It is the basic document of the
investigation. It should be checked for inconsistencies, conflicting statements, or omissions. It should be checked against the initial application form, and should be
checked against all verifying documents. The investigator should note any incomplete items, for discussion with the applicant.

Next, the investigator conducts a preliminary interview with the applicant, reviews
the Personal History Statement for completeness and clarity, and discusses any questionable areas. Where the Personal History Statement reveals unusually favorable or unfavorable information, the investigator obtains further details from
the applicant.

During the initial phases of the investigation, the investigator assembles the necessary documents to verify the applicant's birth date, fulfillment of the high school education requirement, military service, U. S. citizenship, and possession of
a valid Texas driver's license. These documents should be secured from the applicant, copied, and returned to the applicant to ensure that they are not lost or misplaced.

To speed up the process, records that will take some time to obtain should be requested as soon as possible. For example, fingerprint cards should be sent immediately to the Department of Public Safety and to the F.B.I. A request for all previous law enforcement employment should be sent to TCLEOSE.

PREPARING A FOLDER OR A WORK SHEET

The investigator catalogues the documents which are needed to verify compliance

with all requirements, or which are needed to support other facts. The list should
include the following:

1. **Birth Date**:
    a. Any offered documentation to verify date of birth, to facilitate criminal history checks;
2. **Required Education**:
    a. High school diploma, or
    b. General Educational Development (G.E.D.) certificate, or
    c. Other education and training that is claimed, such as college transcripts

3. **Valid Texas driver's license**

The names, addresses and telephone numbers of persons to be contacted or personally interviewed are obtained, so that these people can be contacted in a logical sequence. To save time, appointments should be made in advance. The investigator's schedule should be kept flexible to enable him or her to follow leads developed during the investigation.

A separate list of persons or sources of information that require contact by mail is also made. For example, requests must be made by mail to the F.B.I., the Department of Public Safety, TCLEOSE, courts, and some out-of-town or out-of-state references. Subsequent sections in this manual provide more information on specific information sources which will require mailed inquiries.

SECURING NECESSARY FORMS AUTHORIZING RELEASE OF INFORMATION

Before the investigation begins, the investigator has the applicant sign a form or forms authorizing the release of information. These forms should be completed and signed by the applicant in sufficient quantity to provide at least one for each school, financial and employment source identified in the Personal History Statement.

Special precautions should be taken when soliciting financial information. It is a good idea to require the investigator to present a copy of the release to each source interviewed or questioned, to verify that the investigation is for employment purposes.

For military records information, the applicant must sign the release authorization
block of the "Request Pertaining to Military Records" If medical information from a private firm or physician is necessary, an appropriate authorization for release of medical records is needed. However, such information can only be sought after a Conditional Offer of Probationary Employment, and not before, or it would violate the Americans with Disabilities Act.

SENDING LETTERS OF INQUIRY AND REQUESTS FOR INFORMATION

Personal interviews are preferable to mailed inquiries, since more information can
be obtained, and the source of information evaluated. When interviews are impractical, sources of information should be contacted by mail. The investigator
should determine what letters or requests for information forms must be mailed. Replies should be reviewed by the investigator as soon as they are received, and any questionable areas pursued before the investigation is terminated. People are more likely to comply with your requests if you enclose a self-addressed, stamped
envelope.

INTERVIEWING

Suggested interview questions on various topics are provided under the appropriate topic headings throughout this manual. The investigator should try to
obtain specific facts to support any general statements given.

Take complete notes of all interviews, in order to ensure accuracy. Quoting or paraphrasing is preferred over subjective conclusions. Be sure to record the name,
address, and telephone number of each person interviewed, as well as the date, time and location of the interview.

DISCREPANCY INTERVIEW

Once the background investigation has been completed (or during the course of the
investigation), if the investigator becomes aware of inconsistencies or contradictions between information supplied in the Personal History Statement and that obtained during the investigation, he/she should schedule a discrepancy interview with the applicant to resolve the questionable areas. The investigator

should not reveal the source of any information obtained during the background investigation.

FINAL EVALUATION OF THE APPLICANT

The background investigator is in the best position to evaluate the applicant's personal characteristics. From the facts gathered, the investigator writes a final report which summarizes all the facts gathered, including a final section which summarizes his/her evaluation of the applicant's qualifications with regard to the
job dimensions. The investigator does not make the final hire/no-hire recommendations, but leaves that decision to the department head, which controls
the total selection process.

NARRATIVE REPORT AND SUMMARY

The written report should be complete, concise, and in narrative form. All documents and material necessary to verify compliance with departmental and TCLEOSE requirements should be submitted with the report to the Police Chief or the administrative officer designated to receive, review and evaluate it. Included with the report should be verifying documents, unused signed authorizations, returned forms and letters, the investigator's notes of interviews, and any other pertinent material. The report should be factual. For completeness, all information should be included. This will also facilitate a sound judgment of the applicant's
qualifications. Persons interviewed should be either quoted verbatim or paraphrased.

A narrative report and summary will help the investigator to organize and write the
final evaluation. Summaries should be included along with the narrative report, to form the basis for the investigator's evaluation. The following areas of inquiry are suggested for the narrative report. They follow the major sections on the Personal History Statement:

A. Application Identification
B. Residences
C. Experience & Employment
D. Military History
E. Education
F. Special Qualifications & Skills

G. Legal
H. Motor Vehicle Operation
I. Relatives
J. References & Acquaintances
K. Financial

SAMPLE NARRATIVE REPORT FOR A BACKGROUND INVESTIGATION

To: Chief/Sheriff

From: Background Investigator

Subject: Background Investigation: Charles T. Candidate

PERSONAL

The applicant Charles T. Candidate resides at 201 State Street, Dallas, Texas 75201 He can be contacted through his home phone, 225-1234, or work telephone, 228-4321. Mr. Candidate was born on July 10, 1952. His social security number is 002-26-8154. Mr. Candidate is 5'11" tall, weighs 160 pounds, has brown hair and blue eyes. He has no scars, tattoos or other distinguishing marks. All of the above facts have been confirmed, and verifying documents are attached.

RELATIVES, REFERENCES AND ACQUAINTANCES

Relatives

All of the listed relatives with the exception of Mr. Candidate's older brother were
contacted with no negative information. All stated that they felt Mr. Candidate would make a good peace officer in that he is willing to confront problems, is dependable, and has demonstrated that he is interested in people and has a high degree of interpersonal sensitivity. They also related that there was no question of
Mr. Candidate's integrity.

Since Mr. Candidate's older brother, James Candidate, lives on the West Coast, he
was not contacted.

Prior Spouse

Contact was made with Mr. Candidate's prior spouse, Lois Little. Mrs. Little related that the reason for the marriage dissolution was because of irreconcilable differences. She went on to state that, in her opinion, Mr. Candidate was immature, and that this has been demonstrated by the way he has "always

squandered money." As an example, Mrs. Little stated that Mr. Candidate had difficulty with paying bills on time and would waste what little money they had on
fixing his motorcycle. This was the only derogatory information that Mrs. Little provided.

It should be noted that subsequent investigation revealed that Mr. Candidate was
married for only six months and the marriage occurred when he was eighteen years of age.

Mr. Candidate's marriage dissolution prior to his current marriage has been verified and copies of the necessary documents are attached.

Offspring
Mr. Candidate has no children.

Persons with Whom the Applicant has Resided
Contact was made with Bill Smith, Mr. Candidate's roommate during college. Mr.
Smith related that he was good friends with Mr. Candidate and that they still see each other occasionally. Mr. Smith stated that he is aware of Mr. Candidate's difficulties with finances, but stated that he never experienced any personal inconveniences because of Mr. Candidate. He stated that, to his knowledge, Mr. Candidate did pay his necessary bills and was always prompt to pay his half of the rent. Mr. Smith stated that, in his opinion, Mr. Candidate would make a good officer and that he is very interested in people and is willing to confront problems. An example of his willingness to confront problems is the fact that Mr. Candidate realized after a short period of time that his marriage was not beneficial to either himself or his prior spouse, and they amicably sought adissolution.

References and Acquaintances
All the listed individuals were contacted. None had any negative information to convey.
Mr. Candidate's listed acquaintance, Tom Kaine, provided an additional name of Sara Smothers, 21 Avery Street Fort Worth, Texas 76201. Contact telephone 524-5614.
Ms. Smothers dated Mr. Candidate for a short period of time after Mr. Candidate's
divorce. Ms. Smothers related that her relationship with Mr. Candidate was

casual, but that he never exhibited any lack of dependability, had good interpersonal sensitivity, and she had no reason to believe that he could not handle
his finances.

EDUCATION

High School

Mr. Candidate graduated from Concord High School in June, 1970, and this was confirmed by a copy of his high school diploma, which is attached.

Contact was made with Mr. Candidate's counselor, Mr. Fish, who stated that Mr. Candidate had always exhibited good learning ability. Although he never made the honor roll, Mr. Fish believed that he could have, if he had asserted himself. Mr. Candidate has never been suspended or expelled from school.

Post-Secondary School

Mr. Candidate attended the University of Texas at Austin for three years from 1971 through 1974. Mr. Candidate's listed advisor was contacted and he stated that he only knew Mr. Candidate briefly, and only discussed Mr. Candidate's educational future with him when he first came to the college in 1971. Mr. Larson, Mr. Candidate's advisor, stated that he knew of no reason why Mr. Candidate would not make a good law enforcement officer.

RESIDENCES

Neighbors and Landlords

Mr. Candidate lived with his parents until he was first married. Mr. Candidate and
his first wife lived in a large apartment complex at 322 Ocean Street, Arlington, Texas. A neighborhood check proved negative in locating anyone who remembered Mr. Candidate. Records were not maintained and thus no information was available
on his reliability in paying the rent.

After his divorce, Mr. Candidate lived with a roommate, Mr. Smith, in an apartment complex at 2100 Howe Avenue, Addison, Texas. A neighborhood check proved negative in locating anyone who recalled Mr. Candidate or his roommate, Mr. Smith. A check with the manager revealed that they did maintain

records back to 1971 and that the record revealed that Mr. Candidate and Mr. Smith paid their rent on time every month.

Neighbors where Mr. Candidate and his present wife now reside were contacted. Mr. and Mrs. Jones, who live on the west side of Mr. Candidate, stated that they thought Mr. Candidate and his wife "were a very nice couple." Mr. Jones stated that he thought Mr. Candidate would make a good peace officer and he had nothing derogatory to say about Mr. Candidate. All other neighbors confirmed this
assessment.

EXPERIENCE AND EMPLOYMENT

Present and Past Employers and Supervisors

During a check of Mr. Candidate's employment record, Mr. Knudsen, owner of Knudsen's Chevron Station, was contacted. Mr. Candidate was employed as a service station attendant at Knudsen's Service Station from 1968 through 1971, when he resigned to accept employment with Best Auto Parts while attending college. Mr. Knudsen stated that Mr. Candidate was one of the best employees he
had ever had. Mr. Knudsen also stated that Mr. Candidate was dependable, punctual, got along well with fellow employees and was never any trouble. Mr. Knudsen did relate that on one occasion he had to return to the station late in the
evening and found Mr. Candidate asleep; however, this was a single incident and was due to the fact that Mr. Candidate had stayed up all night the previous evening
studying.

Mr. Candidate's present employer, Mr. Edward Best, related that Mr. Candidate is
an excellent employee and he had no negative information to provide.

Present and Past Co-workers:

Mr. Candidate's past co-workers were available for interview. Mr. Dean Whittier
related that Mr. Candidate was a good person to work with and that he had known
Mr. Candidate for approximately two and a half years. Mr. Whittier had no negative information and said that he found Mr. Candidate to be very

dependable,
interested in people, and honest.

Mr. Candidate has never filed any claims for unemployment or workers' compensation. All time was accounted for in his background and he has no extended work absences.

Mr. Candidate has never been fired or asked to resign from employment. He has never been rejected for any other peace officer position.

MILITARY

Mr. Candidate has never served in the military.

FINANCIAL

In reviewing Mr. Candidate's financial statement, it was found that Mr. Candidate
handles his finances well and apparently has not overextended himself. A check with the Concord Credit Bureau showed that Mr. Candidate had satisfactory credit
and no delinquent payments.

Apparently, whatever difficulties Mr. Candidate had in the past due to financial reasons have been corrected.

Mr. Candidate has never filed bankruptcy, had any bills sent to a collection agency, had any purchased goods repossessed, had his wages attached, or been delinquent in paying taxes or rent payments.

LEGAL

A check with the Dallas, Austin, Fort Worth, and Arlington Police Department, Addison Police Department, and DPS, revealed that Mr. Candidate has never been arrested or convicted of any crime. The only entry in the Dallas Police Department's alpha file is when Mr. Candidate was six years old and fell down in front of his residence and was thought to be the victim of an auto accident. Copies of the returns are attached.

MOTOR VEHICLE OPERATION

Driving Record

Mr. Candidate's driving record revealed that he received two speeding citations in

1981 and has not received a citation since. Mr. Candidate was involved in one non-injury collision in 1984 and has had no subsequent collisions.
A copy of Mr. Candidate's valid driver's license is attached.

GENERAL TOPICS

Insurance
Mr. Candidate has never had insurance refused or cancelled.

Other
Checks revealed that Mr. Candidate has never belonged to any illegal organization
and has no record of any substance abuse.

INVESTIGATOR'S EVALUATION
After completing the background investigation on Mr. Candidate, it is found that,
with the exception of a problem with his dependability and financial obligation for
a short period of time when he was first married in 1970, no derogatory information was discovered.
It is apparent from Mr. Candidate's background that he is dependable and interested in people. There is nothing in his background that would reflect unfavorably on his credibility as a witness in a court of law, and there is no reason
to question his integrity.

Signed,

Background Investigator

AUTHORIZATION FOR RELEASE OF INFORMATION

I, _____, hereby authorize any Investigator or duly accredited representative of the **City of _____, Texas**, to obtain any information from schools, residential management agents, employers, criminal justice agencies, or individuals, relating to my activities. This information may include, but is not limited to, academic, residential, achievement, performance, attendance, personal history, disciplinary, arrest, and conviction records. I hereby direct you to release such information upon request of the bearer. I understand that the information released is for official use by the City and may be disclosed to such third parties as necessary in the fulfillment of official responsibilities.

I direct you to release such information upon request of the duly accredited representative of any authorized agency regardless of any agreement I may have previously made with you to the contrary.

I hereby release any individual, including record custodians, from any and all liability for damages of whatever kind or nature which may at any time result to me on account of compliance, or any attempts to comply, with this authorization. A copy of this authorization shall be as effective as the original.

SIGNED this _____ day of _____, _____.

_____

WITNESSETH:

Use of this Sample Policy
(For notification to Chief – delete before issuing policy)

Every effort has been made by the Best Practices Program staff and reviewers to ensure that this sample policy incorporates the most current information and contemporary professional judgment on this issue. It has been constructed from samples and models submitted and produced from other Texas and national agencies. However, Chiefs should be cautioned that no "sample" policy can meet the needs of any specific law enforcement agency. Each law enforcement agency operates in a different environment and administrative decisions, collective bar gaining agreements and many other issues must be taken into consideration.

The policies issued by a Chief of Police are the sole responsibility of the issuing chief and the department which he or she supervises. Chiefs are cautioned to review and edit these policies to ensure they clearly describe the desired departmental operations. No warranty is expressed or implied.

This project was supported by the Texas Best Practices Recognition Program under the supervision of the Texas Police Chiefs Association Foundation. Points of view or opinions in this document do not represent the official position or policies of the Texas Police Chiefs Association or the Texas Police Chiefs Association Foundation.

Downloading and Use of this sample policy indicates acceptance of full responsibility for its content and use.

Bastrop Independent School District
Police Department

School District Police Officer Training Manual

I. Policy Statement

It is the policy of the Bastrop Independent School District Police Department to provide School District Police Officers (SDPO) for deployment in schools within the jurisdiction of the department. School District Police Officers will be fully certified law enforcement officers and shall be required to receive specialized training in school-based law enforcement within one year of assignment.

II. Orientation

Each new SDPO will be subject to an orientation period that consists of the following:

- Presentation on federal and state statutes that relate to employment issues affecting peace officers in accordance with Texas Occupation Code Section 1701.402 that includes
  (1) civil service;
  (2) compensation, including overtime compensation, and vacation time;
  (3) personnel files and other employee records;
  (4) management-employee relations in law enforcement organizations;
  (5) work-related injuries;
- Introduction of the new SDPOs to as many department personnel as possible;
- Familiarization with the basic operations of the department accomplished by the watch-listen-learn method and on-the- job training on a school campus with a Field Training Officer;
- Assignment of the new SDPOs to a Field Training Officer.

During the training period, each new SDPO will receive training on the following:

- Orientation to the agency's role, purpose, goals, policies, and procedures;
- Instruction on the Department's policy & procedures;
- Instruction on the working conditions and regulations of the Department;
- Instruction on the responsibilities and rights as an employee.
- Review of all areas on the SDPO Trainee Checklist and Proficiency Ratings training form.

New SDPOs are better equipped to absorb new material when they have practical experience. New SDPOs will be exposed to actual field conditions as soon as possible so they become aware of the knowledge and skills to successfully perform their duties.

The SDPO training period is intended to give the new employees instruction, direction, supervision, guidance, and experience so that they may develop good judgment, efficiency, and good habits of conduct and appearance. It will serve as an evaluation program of both the new SDPOs and the curriculum of the training. The training period also serves to aid in determining if the new SDPOs have all the requisites to become permanent members of the Bastrop ISD Police Department.

Actual SDPO training will begin immediately after the orientation and will continue until all training categories have been accomplished and the SDPOs' training checklist and documentation is complete. In the event the training period is interrupted by the new SDPOs' required attendance at other training functions, it will resume immediately upon their return to duty.

The average length of the training period will range from between 300 and 500 hours of training dependent on the officers' prior level of experience.

Instructions During Orientation

During the training period, the Field Training Officer (FTO) must cover all the items that are on the SDPOs' "Trainee Checklist and Proficiency Ratings" form. On some categories, the FTO will only be able to cover the task by demonstrating it or by covering it verbally and/or requiring a policy research of the category.

Department policy, procedures, and Texas Education Code Chapter 37 will be specifically covered during the orientation.

At the end of each training day, the trainees will fill out their SDPO training checklist designating the training topics that were instructed during that day. The instructor will ensure that the trainees complete the checklist for the day and verify that the trainees are logging information into the training book in accordance with program standards.

It may be beneficial for the SDPO trainees to be taken to certain locations outside of the classroom for specific training such as intake procedures at the Bastrop County Jail and Bastrop County Juvenile Justice Center or any other locations where the new SDPOs would benefit from visual training.

III. Field Training Officers/Trainees

Personnel who are selected to train will be referred to as Field Training Officers (FTO's). Training personnel will be required to undergo specific training by the department in relation to the Field Training Program (FTP) and become thoroughly knowledgeable with the Field Training Manual and the use of all program forms. An FTO must have a minimum of one (1) year prior experience as a SDPO with Bastrop ISD Police Department or have served previously as an FTO with another law enforcement agency. Periodically, Field Training Officers will attend in-service training to develop training techniques and policies to allow for better training of new SDPOs.

Any department employee may be called upon to train in certain circumstances, but all attempts will be made to utilize personnel who have been employed by the department for at least one (1) year. Preferably, officers with at least two (2) years prior experience in School Based Law Enforcement (SBLE) will be used as FTOs.

- FTOs will have no sustained Internal Affairs complaints within the last twelve months or pending litigations.
- FTOs cannot have a work history of excessive absences, performance complaints or other unacceptable behavior.
- FTOs must have supervisor approval.

FTP Chain of Command

The following organizational chart will serve as the chain of command while an employee is assigned to the FTP:

Chief of Police
|
Field Training Coordinator
|
Field Training Supervisor
|
Field Training Officer
|
SDPO Trainee

Responsibility of the Field Training Officer

The FTOs will have complete responsibility for the SDPO trainees and the training they receives during the training period.

The FTOs shall complete all training documentation in an unbiased and professional manner. All documentation will be provided to the trainees in a timely manner. The FTOs and the FTO Supervisor shall ensure that a "Daily Training Report" is completed for each and every day of training regardless of the training assignment. A "Daily Training Report" will also be completed for holidays or other leave that might occur during the training period. A completed training book must have a "Daily Training Report" for each day that the trainees were in the FTP.

The FTOs shall afford the new SDPOs the fullest opportunity to learn. It should be the priority of the FTOs to start the SDPO trainees on the way to becoming a professional SBLE officer and the best employees within the organization by accomplishing the following:

- Direct, guide, explain and demonstrate the fundamentals of SBLE until satisfied that the SDPO trainees completely understand how and why duties are performed in a certain manner;
- Examine the new SDPOs by asking questions or giving written examinations;
- Allow the SDPO trainees to perform such tasks as they feel the trainees are competent and ready to assume;
- Exercise supervisory responsibilities and control over the actions and conduct of the trainees during the assigned tour of duty;

  Note: The phrase "exercises supervisory responsibilities and control" denotes that the FTO is the senior employee present and shall have discretion to make responsible decisions governing the immediate actions and participation of the SDPO trainee while engaging in SBLE activities in conjunction with the training program. Supervisory activities beyond the above definition are strictly reserved for the rank of sergeant and above.

- Provide structured training according to the curriculum during the SDPO training period;
- Ensure that all training documentation is maintained on a timely basis and that all training documents are complete upon submission at the end of the training period; and
- Keep the Training Supervisor informed of unusual problems or actions that require supervisory attention.

This policy may be amended with the approval of the Bastrop ISD Chief of Police to ensure that the FTPs are current and the department develops well trained SDPOs.

Responsibility of the SDPO Trainee

The SDPO trainee is ultimately responsible for maintaining the field training book and ensuring that all documentation is kept in an orderly manner as instructed during the orientation and in accordance with the guidelines provided in this manual. The "Trainee Checklist and Proficiency Ratings" form and all other training documentation will be completed

in a timely manner and placed into the training book. **If training documentation for any given training day is not completed and placed in the training book within twenty-four (24) hours, it is the responsibility of the SDPO trainee to alert the FTO Supervisor or the FTO Training Coordinator.**

Code of Conduct for SDPO Training Officers

All FTOs shall familiarize themselves and conform to the Code of Conduct; Department Policy and Procedures; and all other orders, policies, and directives issued by proper authority. Any gross violation of the rules of conduct may result in the employee's FTO status being terminated. Rules of conduct include:

- FTOs will inform the Training Supervisor if they have socialized with the trainees prior to the assignment;
- FTOs will maintain a neat and well groomed appearance and will present the same demeanor and command presence expected of their trainees;
- FTOs will refrain from making derogatory comments concerning other FTOs, employees, supervisors, or Department Policy while in the presence of trainees;
- FTOs will refrain from conducting personal and social business while on duty; and
- FTOs shall keep the mission of the training program foremost in mind, which is to train and produce the best SDPO possible.

Code of Conduct for New School District Police Officers

In order to create a controlled learning environment for the trainer, to emphasize the need to show respect to the public, and to present a professional image, the trainees will be expected to adhere to the following guidelines. Any violation of the rules of conduct may result in the trainees being disciplined, which may include termination. Rules of conduct include:

- The trainees will address all officers as "Officer _____", using the officer's last name. Otherwise, the trainees will address all employees as "Sir" or "Ma'am". The trainees will address their FTO in the manner preferable to the FTO;
- The trainees will address all supervisors by their rank and last name, e.g., Lieutenant Smith. Otherwise, the trainees will address all supervisors as "Sir" or Ma'am";
- The trainees will address all members of the general public with "Mr., Mrs., or Ms./Miss" and using the civilian's last name. Otherwise the trainees will address all civilians as "Sir" or "Ma'am";
- The trainees will accept all tasks or assignments given by the FTOs that are designed to reinforce lessons and training given through the training period;
- The trainees have the ultimate responsibility of the training forms that are issued to them and must be able to produce a respective form immediately upon the request of the FTO or Training Supervisor; and
- The trainees will not ride along with any other law enforcement officers while assigned to the training program unless specifically approved by the ISD Chief of Police or the Chief's designee.

IV. Training Categories

The following categories contained in the FTP School District Police Officer “Trainee Checklist” and “Daily Training Report” will be utilized for the training of each new SDPO:

1. Preparation for Duty
2. Radio Communication
3. Vehicle Operation
4. Map Book / District Awareness
5. Public Service
6. Form Proficiency

7. Responding to Calls for Service
8. Routine Police Activities on Campus
9. Local Ordinances
10. Parking Violations
11. Traffic
12. Report Writing
13. Safety Awareness
14. Computer Operations
15. Control of Persons / Prisoners / Mentally Ill
16. Department Policies and Procedures
17. Scene Management and Resolution
18. State Statutes
19. Professional Demeanor
20. Search and/or Seizure
21. Self-Initiated Field Activity

V. Training Progress Review

During the training period, the FTO will document each training opportunity on the "Trainee Checklist and Proficiency Ratings" form and the "Daily Training Report" form and will ensure that all initials and signatures are recorded where applicable.

When situations arise where a training category is not demonstrated by actual performance due to lack of a training opportunity, verbal instruction will be given by the FTOs and the trainees will be required to conduct a policy research of the applicable category. The verbal training and the policy research will be recorded on the "Trainee Checklist and Proficiency Ratings "form" and the "Daily Training Report".

Training categories that receive a proficiency rating of three (3) or higher do not need to be recorded on the "Trainee Checklist and Proficiency Ratings" form after a satisfactory proficiency rating is received. However, this exclusion does not prohibit the FTO from giving another rating in the same category if necessary. **Training opportunities will continue to be documented in the "Daily Training Report" even after a satisfactory proficiency rating is given.**

All training categories will be completed by the trainees before they are released from a training status.

At the end of each training week, the FTOs will prepare a "Weekly Training Report" for the previous week of training. The "Weekly Training Report" will document each category where training was received during the previous week.

A weekly training meeting will be conducted to discuss the previous week of training including strengths and weaknesses that were noted by the FTO. The meeting should include the SDPO Trainee, the FTO, and the Training Supervisor. At a minimum, the meeting will consist of the SDPO Trainee and either the FTO or Training Supervisor.

At the end of the meeting, the trainee will meet with the Training Supervisor to conduct a training critique of the previous week's training.

The Training Supervisor and the FTO will review the "Weekly Training Report" and, if weaknesses are noted, a summary of additional training for categories where improvement is needed and the recommendations will be documented on the "Weekly Training Report".

The FTO should place an asterisk next to any unsatisfactory proficiency rating that is recorded on the "Trainee Checklist and Proficiency Ratings" form to indicate areas of concern that require attention and additional training. Major deficiencies may require a proficiency test and/or special training in an effort to resolve the major deficiency immediately and prior to placement into the remedial training program.

The FTO and the Training Supervisor will discuss the progression of the trainee throughout the training program. If at any time during the training period the FTO is of the opinion that the new trainee will not develop into a successful employee because of lack of interest or ability, poor conduct, inefficiency, or incompetency, or if they observe a manifest safety concern, the FTO shall file such report through the FTP chain of command to the Training Supervisor and Training Coordinator using the department's standard memorandum format. The report should be specific as to events, conduct, or other problems that leads the FTO to file the report.

If the trainee is simply not responding to training as expected, the FTO should make a recommendation to the Training Supervisor that the training period be extended up to 150 additional training hours prior to placement into a remedial training status (See Section VII "Remedial Training"). Every opportunity should be given for the trainee to satisfactorily complete all training categories during the initial training period, inclusive of the 150 hour extension, before the trainee is place into a remedial program.

At any time during the training period, the FTO can declare the trainee a manifest safety hazard. At this point, the Training Supervisor will recommend to the Training Coordinator that a termination review board be convened. The Training Coordinator will review all facts and circumstances concerning the recommendation and, if sufficient cause exists, the Training Coordinator will forward the request through the chain of command to the Chief of Police for review and approval of a termination review board. The termination review board shall consist of but is not limited to the following:

Field Training Officer who has not been affiliated with the trainee during the training period
Field Training Officer who is the trainee's current training officer
Training Supervisor
Training Coordinator

The board will make their recommendation to the Bastrop ISD Chief of Police.

If the Chief of Police is of the opinion that the trainee is not likely to become a successful employee based on the recommendation from the termination review board, the Chief of Police may direct immediate termination. The Chief of Police or designee will be responsible for implementing termination proceedings.

VI. Use of SDPO Training Forms

Several forms are used by the Bastrop ISD Police Department to document the training of each new SDPO. SDPO training forms that are routinely used during the SDPO training period are included in Section VIII of this manual.

The following is an explanation of each form and how it is used during the SDPO training period:

1. **Trainee Checklist and Proficiency Ratings**

   This form is used as a checklist to document the categories and topics of instruction that the trainee receives. It is an overview of training that the trainee will receive during the training period and is used to record the progress of the trainee during the training period. The FTO and the trainee are responsible for ensuring that the checklist is maintained.

   The name of the trainee will be printed or typed at the top of the form in the SDPO Trainee block.

   The name of the FTO will be printed or typed at the top of the form in the FTO block.

   There are four (4) blocks located below each training category that are to be completed by the FTO and the trainee. The four blocks are as follows:

a. Proficiency Rating Box
b. Initials of the FTO and the date that the training was received
c. Initials of the SDPO
d. Policy Research

A “Proficiency Rating Scale” is incorporated into “Trainee Checklist” to allow for the FTO to rate the trainee on applicable categories. The purpose of the proficiency rating is to show the progression of the trainee during the training period and to identify categories where additional training may be necessary. The following is the “Proficiency Rating Scale” utilized by the FTO:

Proficiency Rating Scale
X – Verbal
P – Policy Research
D - Demonstration Only. No Performance level given.

1. Performed task, but needed verbal assistance from the instructor on more than half of the task.
2. Performed task, but slow and made mistakes, instructor needed to help on less than half of the task.
3. Performed task making few minor errors that were corrected with an acceptable amount of help from trainer.
4. Performed task quickly without error and able to perform the task without supervision.

The FTO will place a proficiency rating in the box that is located below the category designated “Rating”. The FTO will place his initials and the date that the rating was given in the space provided to the right of the rating box.

The "Proficiency Rating Scale" allows the FTO to record a rating three (3) times in each category. Training categories that receive a proficiency rating of three (3) or above do not require additional ratings (See Section V “Training Progress Review”).

Certain categories may not provide for a training opportunity during the training period. Such categories will be verbally instructed by the FTO and a policy research will be required of the trainee. The policy research requires the trainee to locate the applicable policy section and read the policy that pertains to the respective category. The trainee will record the policy section on the "Trainee Checklist" in the “Policy Research” block to indicate that the policy was researched, read, and recorded. The FTO need only use "X" for verbal training, “P” for policy research, and "D" for Demonstration Only where no performance level is given. When the task is actually performed by the trainee, the numerical ratings will be used.

The Training Supervisor, Training Coordinator, and/or the FTO may desire to review the training book at any given time and it is the responsibility of the trainee to produce the training book upon request.

Once the “Training Checklist and Proficiency Ratings” form is complete, the FTO will submit the training book to the Training Supervisor for review. After review by the Training Supervisor, the training book will be reviewed by the Training Coordinator to ensure that the training book meets all program standards, the training book will then be forwarded through the chain of command to the Chief of Police with accompanying recommendation forms.

2. **Daily Training Report**

This form is used to document the daily training achievements of the trainee and contains training categories that the trainee may encounter on any given training day. The training categories are as follows:

Preparation for Duty
Radio Communication
Vehicle Operation
Map Book / District Awareness
Public Service
Form Proficiency

Responding to Calls for Service
Routine Police Activity on Campus
Local Ordinances
Parking Violations
Traffic
Report Writing
Safety Awareness
Computer Operation
Control of Persons, Prisoners, Mentally Ill
Department Policy and Procedures
Scene Management and Resolution
State Statutes
Professional Demeanor
Search and/or Seizure
Self-Initiated Filed Activities

When training is received on a particular topic listed on the form, the FTO will place a checkmark under "YES" or "NO" indicating whether or not training was received on that particular topic on that day.

Daily Calls for Service Report

This form is the second page of the “Daily Training Report” used to document the daily calls for service that the trainee performs during a training day.

The trainee will print or type the trainee’s name, the name of the FTO, the trainee’s and FTO’s employee numbers, and the date at the top of the form.

For each category where training is received on a specific day, the FTO will print or type the category number in the "Category #'s" box and will give a brief summary of the training provided on the line adjacent to the "Category #'s" box.

The summary will be a brief synopsis of what actions the trainee exercised during the respective training opportunity and what department forms were utilized during the task. Any associated case number or CAD number will be included in the documentation. This case/CAD number will enable the FTO and/or the Training Supervisor to review reports or other entries made by the trainee into the Records Management System (RMS) for the specific training opportunity.

The following format will be used when entering documentation onto the "Daily Training Report": Case number or CAD number, dash (-), list of the forms used to accomplish the task, dash (-), brief synopsis of the trainee's actions, and the overall observation by the FTO regarding the performance by the trainee.

Example: 20-B-0001 etc. "DOC Fighting" - Statement form, Citation, Citizens Request for Criminal Complaint by Officer form - Trainee completed the listed documents in connection with a fight that occurred in the cafeteria at Bastrop High School. Trainee responded to the call for service and assisted in controlling conflict at the scene. Trainee remained calm during a stressful situation and assisted in escorting two students to the campus police office where citations were issued for fighting. Trainee properly explained the citations to the students. Trainee released the students to a campus administrator after the citations were issued. Trainee completed the citations without error.

The FTO will sign the FTO’s signature at the bottom of the form certifying that the report is an accurate reflection of the training received on that day.

The trainee will sign the trainee’s signature at the bottom of the form certifying that the trainee has been shown the report and is aware of its contents.

The Training Supervisor will sign the Training Supervisor's name at the bottom of the form certifying that the Training Supervisor has reviewed the report and that it is in compliance with program standards.

3. **Weekly Training Report**

This form is used to document the training opportunities experienced by the SDPO trainee on a weekly basis and for the FTO to document strengths and/or weaknesses that were observed during the training week.

The FTO is responsible for the completion of the "Weekly Training Report" and scheduling and conducting the weekly meeting with the trainee and the Training Supervisor.

The FTO will print or type the FTO's name, the name of the trainee, the FTO and employee numbers, and the dates at the top of the form that the "Weekly Training Report" encompasses.

The FTO will place an "X" in the appropriate box designating "YES" or "NO" relating to whether or not training was provided on the categories listed.

The FTO will place an "X" in the appropriate boxes showing who attended the weekly training conference (i.e. Training Supervisor, FTO, trainee or other).

During the weekly meeting, the FTO will discuss with the trainee any strengths and/or weaknesses that were observed, training opportunities that were experienced during the week, and any additional training, if deemed necessary.

The FTO will sign the form stating that the report is an accurate account of the weekly conference.

The trainee will sign the form stating that the trainee has been shown the report, it has been explained, and the trainee is aware of its content.

The Training Supervisor will sign the report stating that the Training Supervisor has reviewed the report and found it to be in compliance with program standards.

4. **School District Police Officer End of Training Evaluation Report & Summary**

This form is used to document the training opportunities experienced by the trainee during the training period and to make recommendations regarding advancement or remedial training.

The name of the trainee, the trainee's employee number, and the date will be placed at the top of the "End of Training Evaluation Report".

The name of the trainee, the trainee's employee number, the date, and the date that the training began and ended will be recorded on the top of the "End of Training Summary".

The "End of Training Evaluation Report" and the "End of Training Evaluation Summary" are completed by the FTO. The FTO will submit the report and summary to the Training Supervisor who will review the report and summary and the recommendations of the FTO.

On the "End of Training Evaluation Summary" form, the FTO will document the FTO's assessment of specific strengths the trainee exhibited during training. The FTO will also document any recommendation for remedial training, if applicable. The FTO will make an overall recommendation concerning the trainee based on the FTO's assessment of the trainee's overall performance during the training period and associated with supporting training documentation.

The Training Supervisor will review the "End of Training Evaluation Report and Summary" forms as submitted by the FTO. The Training Supervisor will complete the block entitled "Action Taken".

"Actions Taken" may include but is not limited to the following:

- successful release from training program;
- authorized to work alone;
- required attendance in specialized school;
- remedial training in any given area;
- evaluation for a specific problem (doctor to evaluate hearing or sight, etc); or
- dismissal.

The Training Supervisor will forward all SDPO training records and reports to the Training Coordinator for submission through the chain of command to the Chief of Police for final review and consideration of recommendations. The Chief of Police or designee will make the determination if the trainee is to be released from training status or if remedial training will be implemented based on recommendations. The training documentation shall become a permanent record associated with the employee's personnel file.

The Training Supervisor will meet with the trainee to discuss the "End of Training Evaluation Report and Summary" and the form shall be signed by the Training Supervisor, the FTO, and the trainee at the end of the meeting.

VII. Remedial Training

Prior to entry into a remedial training program, the trainee will be given 150 additional hours of training above the 300 – 500 initial training hours referenced in Section II "Orientation".

A trainee will be required to enter a remedial training program (1) if the trainee receives a proficiency rating of "2" or below on two or more occasions for the same training category or (2) when deficiencies are evident in a particular training category which cannot be immediately corrected and remedial training is necessary as a result of the deficiency.

Remedial training can consist of a short period of time from one hour or more. The duration of remedial training will depend on the amount of additional training required in accordance with the trainee's individual ability and response to the training.

Remedial training will be documented on the "Daily Training Report" and shall include documentation to address the remedial training needs, corrective actions, and recommendations.

Remedial training of eight (8) hours or more will be documented on a departmental memorandum outlining the remedial training recommendations and remedial training steps that will be initiated. A trainee who is assigned to remedial training should have a change of FTO if the anticipated time period of remedial training is more than eight hours.

At the end of remedial training, a recommendation shall be made by the FTO and submitted to the Training Supervisor for new "Action Taken" documentation. If at the end of remedial training the trainee is not responding to training, steps will be taken for termination.

BASTROP ISD POLICE DEPARTMENT

Performance Evaluation Manual

Amended: November 5th, 2025

PERFORMANCE EVALUATION MANUAL

GENERAL INSTRUCTIONS:

Performance evaluation is an important process for both supervisors and employees. It is a tool that can enhance the operation of the department and it is also a process that allows employees to be both recognized for good performance and provided with recommendations for improvement. Remember that if your employee succeeds then you, as a supervisor, succeed. **While performance evaluation is not simple it nevertheless remains a primary responsibility of those functioning in a supervisory role.**

All employees must have their performance evaluated in writing at least once a year. For non-probationary employees, Performance evaluations will be completed no later than August 1st for the previous year.

Special Note for Supervisors of Probationary Employees: The probationary period allows the supervisor the opportunity to judge whether an employee is carrying out the duties in his/her job description. In order for an employee to succeed, he or she must be provided with appropriate supervision and adequate

feedback. The performance evaluation form you will complete for the probationary employee is the same as the form used for non-probationary employees. On the cover sheet however, you will need to identify whether the review is an end of training, six months, nine months or final review. You will also be asked to recommend or not recommend that the employee be continued in his/her appointment at the end of each review or that an employee be reappointed as a permanent employee at the completion of his/her probationary period.

The Sworn Officer Evaluation Form must be completed by the immediate supervisor. Because a supervisor can forget instance that occurred during an early part of a rating cycle it is imperative that supervisors maintain a notebook where the supervisor makes performance notes regarding officer activity on a daily basis. This notebook as well as the officer's personnel file should be reviewed prior to completing the performance evaluation.

Part I of the Evaluation Form requires the supervisor to rate the officer on the various job related functions of the job. The supervisor should refer closely to the rating guide that is part of this manual to properly rate whether the officer is Superior, Acceptable or Unacceptable. Any rating of less than 3 must be accompanied by specific comments that justify the rating. The comments that justify any rating of 3 or less will be placed on a separate sheet of paper entitled "Documentation" and should include details of how this was communicated to the employee and what actions were recommended to overcome the deficiency.

In Part II, supervisors must complete the performance narrative. This section requires the supervisor to specifically identify positive performance and provide the officer with positive reinforcement for the outstanding work accomplished during the year.
This section also requires the supervisor to identify any weaknesses the officer may have and to recommend actions for improvement.

In Part III, the supervisor and officer should agree on at least three performance goals for the upcoming evaluation period. Employee input on both goals and performance evaluations are important.

Remember that during the evaluation interview the communication should be two-way: the supervisor should use the opportunity to convey his/her assessment of the staff member's work and encourage the staff member to comment on

his/her own work. Following the discussion, supervisors may make adjustments to the written evaluation if necessary. Also remember to give the employee a copy of the evaluation for his/her records.

PITFALLS IN MAKING PERFORMANCE APPRAISALS

A. **The Isolated Incident**

No rating should be based on a few isolated performance incidents. When this is done the rating is unfairly influenced by non-typical instances of favorable or unfavorable performances.

B. **The "Halo" Effect**

The "Halo" effect occurs when one factor influences ratings on all factors. Examples: An employee's work is of good quality, therefore, other ratings (such as those on promptness or work quantity) are higher than normal. Another employee is frequently absent, with the result that the ratings on other factors are usually low.

C. **The "Cluster" Tendency**

The tendency to consider everyone in the work group as above average, average or below average. Some raters are considered "tough" because they normally "cluster" their people at a low level. Others are too lenient. "Clustering" overall ratings usually indicates that the rater has not sufficiently discriminated between high and low levels of performance.

D. **Rating the Job and Not the Individual**

Individuals in more difficult jobs are often considered superior performers to those in lower-rated jobs. This normally means that confusion exists between the performance appraisal and how the job has been evaluated.

E. **Length of Service Bias**

There is a tendency to allow the period of an individual's employment to influence the rating. Normally, performance levels should be higher as an individual gains training and experience but this is not always the case.

F. **Personality**
Conflicts

Avoid judgments made purely on the basis of personality traits. Effective, efficient employees do not necessarily agree with everything a supervisor believes in or states.

SUGGESTIONS FOR ACCURAT EVALUATIONS

A. Consider the entire appraisal period. Try to enumerate high points and low points in performance then assign a rating that typifies the individual's normal performance. Do not attempt to assign a rating to a performance indicator and then create justification to support it. Be able to explain the reason for each rating.

B. Rate each indicator independently. When evaluating more than one person simultaneously, it may be helpful to rate all employees' performances on one indicator rather than one employee's performance on all factors. Use the summary evaluation to give substance to individual factors.

C. In a group of people in similar jobs, performance is likely to be spread over most performance categories. Review your own record as a rater. Check the tendency to be either "too tough" or "too lenient" in your appraisals.

D. Consider how an individual is performing in relation to what is expected.

Rate the person's performance, not importance of the job.

E. Recognize that some people may never achieve top ratings, regardless of length of service. Watch closely, the progress of newcomers, and be ready to recognize superior performance if it is achieved.

It is incumbent upon each employee, regardless of level or category, to perform in an exemplary manner reflecting those principles and disciplines upon which this department was founded. Used constructively, this program of performance evaluation can prove to be a valuable tool regarding individual career

advancement and result in increased productivity throughout all areas of the department.

RATING SCALE VALUES

The task of evaluating and rating an officer's performance shall be based on the following numerical scale value definitions. These definitions serve as a means of standardizing the evaluation process.

(1) DRIVING SKILLS: STRESS CONDITIONS

1. Unacceptable: Involved in accident(s). Overuses red/blue lights and siren. Excessive and unnecessary speed. Fails to slow for intersections or loses control on corners.

3. Acceptable: Maintains control of vehicle. Evaluates driving situations and reacts properly. Proper speed for conditions.

5. Superior: High degree of reflex ability and competence in driving skills. Superior judgment shown in use of lights and siren. Controls speed skillfully.

(2) DRIVING SKILLS: NON-STRESS CONDITIONS

1. Unacceptable: Continually violates traffic law (red/blue lights, speed, stop signs, etc.). Involved in chargeable accidents. Lacks dexterity and coordination during vehicle operation.

3. Acceptable: Able to maintain control of vehicle while being alert to activity outside vehicle. Practices good defensive driving techniques.

5. Superior: Sets good examples of lawful, courteous driving while exhibiting good manipulative skill in operating the radio, using the street index, etc.

(3) ORIENTATION SKILL

1. Unacceptable: Becomes disoriented when responding to stressful situations. Unable to relate his/her location to their destination. Unable to use map under stress. Unable to determine compass directions during stressful situations.

3. Acceptable: Aware of his/her location. Able to use map effectively under stress. Demonstrates good sense of direction when responding to stressful situations.

5. Superior: Always responds quickly to stressful calls by the most appropriate route. Does not have to refer to map. Does not become disoriented during stressful situations. Calmly operates the radio and coordinates the responses of other officers.

(4) FIELD PERFORMANCE: STRESS
CONDITIONS

l. Unacceptable: Becomes emotional and panic stricken. Unable to function; loses temper. Endangers safety of self and other officers and citizens by inattention to the demands of the job.
3. Acceptable: Exhibits a calm and controlled attitude. Can perform reasonably well at least in preventing a situation from deteriorating. Reasonably conscious of officer safety measures and protection of citizens from further harm.

5. Superior: Maintains control and brings order under virtually any circumstances without assistance. Remembers and carries out key police duties properly.

(5) FIELD PERFORMANCE: NON-STRESS CONDITIONS

1. Unacceptable: Confused and disoriented as to what action should be taken in a given situation. Numerous specific examples of bad judgment can be shown.

3. Acceptable: Able to assess situation and take proper

action.

5. Superior: Requires no assistance and always takes proper action. Excellent field judgment.

(6) OFFICER SAFETY: GENERAL

1. Unacceptable: Frequently fails to exercise basic officer safety precautions. Examples:

a. Exposes weapons (baton, handgun, etc) to suspect. b. Fails to keep gun hand free during enforcement situations. c. Stands directly in front of violator's car door. d. Fails to control suspect's movements. e. Does not maintain sight of violator while writing summons. f. Fails to use illumination when necessary. g. Fails to advise radio when leaving vehicle. h. Fails to maintain good physical condition. i. Fails to use or maintain personal safety equipment properly. j. Does not foresee potentially dangerous situations. k. Points weapon at other officers. l. Stands too close to vehicular traffic. m. Stands in front of door when knocking. n. Fails to have weapon ready when appropriate. o. Fails to cover other officers. p. Fails to search police vehicle before duty or after transporting prisoners. q. Fails to check equipment. r. Fails to properly search or handcuff prisoners.

3. Acceptable: Understands principles of officer safety and generally applies them.

5. Superior: Always maintains position of safety and advantage. Does not become unduly anxious or apprehensive, over-cautious or overconfident.

(7) OFFICER SAFETY: WITH SUSPICIOUS PERSONS AND PRISONERS

1. Unacceptable: Frequently violates officer safety standards. Fails to "pat search" or confronts suspicious persons while seated in patrol vehicle. Fails to handcuff prisoners. Fails to thoroughly search prisoners or vehicles. Fails to maintain a position of advantage with prisoners.

3. Acceptable: Generally displays awareness of potential danger from suspicious persons and prisoners. Maintains position of advantage.

5. Superior: Always maintains position of advantage and is alert to changing conditions.

(8) CONTROL OF CONFLICT: VOICE COMMAND

1. Unacceptable: Improper voice inflection, i.e., too soft, too loud, indecisive, confused commands, etc. Few problems resolved as result of officer's oral direction.

3. Acceptable: Speaks with authority in a calm, clear voice.

5. Superior: Always appears to be in complete command through voice tone and bearing.

(9) CONTROL OF CONFLICT: PHYSICAL SKILL

1. Unacceptable: Cowardly, physically unable to handle most situations, or uses too much or too little force for given situations.

3. Acceptable: Maintains control without excessive force. Maintains self in

good physical
condition.

5. Superior: Excellent knowledge of and ability to use restraining holds. Always ready to use necessary force. Maintains above average physical condition.

(10) INVESTIGATIVE PROCEDURES

1. Unacceptable: Does not plan an investigative strategy. Cannot define investigative goals, i.e., successful prosecution, arrest, recovery of property,
development of informants. Leaves out important steps in investigations. Fails to connect legal and departmental guidelines while conducting investigation. Cannot coordinate aspects of the investigation, i.e., interviews, searches, note-taking, report-writing.

3. Acceptable: Maintains command of a crime scene. Able to assess the requirements of the situation concerning collection and preservation of evidence, interviews, and interrogations. Undertakes most of these functions with little or no direction.

5. Superior: Requires no supervision in organizing and undertaking an investigation. Identifies all possible sources of physical evidence. Identifies all potential witnesses and victims. Conducts complete interview. Uses time efficiently.

(11) REPORT WRITING: ORGANIZATION AND DETAILS

1. Unacceptable: Incapable of organizing events into written form. Leaves out many important details. Puts in inappropriate information. Much of the work will have to be redone.

3. Acceptable: Converts field events into a logical sequence of thought to include all elements of the situation. The narrative leaves the reader with a good understanding of what took place.

5. Superior: A complete and detailed account of what occurred from beginning to end. Written and organized so that any reader has a clear

understanding of what occurred. Full consideration is given to the needs of investigator/prosecutor.

(12) PROPER FORM SELECTION: ACCURACY AND DETAILS

1. Unacceptable: Unable to determine proper forms for given situations. Forms filled out incorrectly or incompletely.

3. Acceptable: Knows most standard forms and understands format. Completes forms with reasonable accuracy.

5. Superior: Consistently and rapidly completes detailed forms with no assistance. High degree of accuracy.

(13) REPORT WRITING: GRAMMAR/SPELLING/NEATNESS

1. Unacceptable: Illegible, misspelled words, incomplete sentence structure.

3. Acceptable: Grammar, spelling, and neatness are satisfactory in that errors are rare and do not impair understanding.

5. Superior: Very neat and legible. No spelling mistakes and excellent gramma r.

(14) REPORT WRITING: APPROPRIATE TIME USED

1. Unacceptable: Requires 2-3 hours to correctly complete a basic simple repor t.

3. Acceptable: Correctly completes simple basic reports in thirty

minutes.

5. Superior: Correctly completes simple basic reports in no more time than that of a skilled veteran officer. (Depending on the type of report, the time will vary.)

(15) RADIO: LISTENS AND COMPREHENDS TRANSMISSIONS

1. Unacceptable: Repeatedly misses call sign and is unaware of radio traffic in adjoining beats. Frequently has to ask dispatcher to repeat transmissions or does not understand message.

3. Acceptable: Copies most radio transmissions directed at him/her. Generally aware of adjoining beat radio traffic.

5. Superior: Always comprehends radio transmissions and makes a written record. Always aware of and reacts to radio traffic in adjoining beats.

(16) RADIO: ARTICULATION OF TRANSMISSIONS

1. Unacceptable: Does not plan before transmitting message. Under or over modulation, resulting in dispatcher or other units constantly asking for a repeat.

3. Acceptable: Uses proper procedure with short, clear, concise transmissions.

5. Superior: Always uses proper procedure with clear, calm voice, even under stress conditions.

(17) SELF-INITIATED ACTIVITY

1. Unacceptable: Does not see or avoids activity. Does not follow up on

situations; rationalizes suspicious circumstances. Gets involved inappropriately too often. Ignores departmentally defined problems.

3. Acceptable: Recognizes and identifies suspected criminal activity. Makes cases from routine activity. Makes recommendations for directed patrol. Promotes departmental crime-prevention programs. Networks with private and public associations or agencies.

5. Superior: Catalogs, maintains, and uses information given at briefings and from bulletins or crime reports for reasonable cause to stop persons or vehicles. Makes quality arrests. Shows balance in the type and extent of self-initiated activity. Combines directed patrol with community involvement through development of mutual respect and trust. Consistently develops and shares intelligence with other team officers. Actively develops and nurtures Neighborhood Watch programs.

(18) PROBLEM SOLVING/DECISION-MAKING ABILITY

1. Unacceptable: Acts without thought or is indecisive. Relies on others to make decisions. Numerous examples of bad decisions or indecision can be shown.

3. Acceptable: Able to reason out problems and relate them to what he/she was taught. Has good perception and ability to make own decisions. Maintains minimal informal community contacts consistent with departmental community-oriented policing objectives.

5. Superior: Excellent perception in foreseeing problems and arriving at advanced decisions. Makes timely, quality decisions. Recommends or submits proposals concerning community partnerships to attack specific crime problems. Adept at mediating, negotiating, solving community problems informally. Acts as liaison to relevant non-profit agencies such as food banks and the Girl and Boy Scouts. Consistently alert to ways of improving the quality of life in the officer's assigned community.

(19) COMMUNITY-POLICING OBJECTIVES

1. Unacceptable: Maintains a minimal reactive policing profile in the community. Not proactive in developing informal community contacts or developing Neighborhood Watch alliances with citizens. Minimal

promotion of crime-prevention techniques.

3. Acceptable: Organizes Neighborhood Watch alliances with citizens; distributes crime-prevention literature and promotes crime-prevention methods and philosophy when interacting with citizens; gives referrals to social-assistance agencies. Visits local businesses to enlist help in crime prevention.
5. Superior: Not only offers citizen referrals to social-assistance agencies, but actively seeks and executes opportunities to link social services agencies to citizens, obtain code enforcement, and coordinate drug treatment, improved sanitation or animal control, or noise abatement. Actively advises landlords, contractors, and others about CPTED (crime prevention through environmental design). Organizes and coordinates the work of volunteers.

(20) KNOWLEDGE OF DEPARTMENTAL ORDERS

1. Unacceptable: Has little knowledge of departmental orders. Makes no attempt to learn them. Frequent violations of orders.

3. Acceptable: Familiar with most commonly applied rules and procedures; is able to apply them to most field situations.

5. Superior: Exceptional working knowledge of rules, procedures, and orders.

(21) KNOWLEDGE OF CRIMINAL LAW

1. Unacceptable: Does not know the elements of basic offenses. Reports and performance continually show inability to apply criminal law to field situations.

3. Acceptable: Has a working knowledge of commonly used sections of code. Relates elements to observed criminal behavior.

5. Superior: Outstanding knowledge of criminal law. Able to apply laws to normal and unusual criminal activity.

(22) KNOWLEDGE OF TRAFFIC LAW

1. Unacceptable: Does not know the elements of basic offenses. Reports or actions continually show inability to apply traffic law to field situations.

3. Acceptable: Has a working knowledge of commonly used sections of code. Relates elements to observed traffic activity.

5. Superior: Outstanding knowledge of traffic law. Able to apply laws to normal and unusual traffic related activity.

(23) ACCEPTANCE OF FEEDBACK: VERBAL/BEHAVIOR

1. Unacceptable: Argumentative, rationalizes, refuses to admit mistakes, refuses to make corrections. Always considers feedback negative.

3. Acceptable: Accepts criticism in a positive manner and applies it to further learning. Accepts responsibility for his or her mistakes.

5. Superior: Solicits feedback and criticism in order to improve performance. Never argues with or blames others.

(24) RELATIONSHIPS WITH CITIZENS

1. Unacceptable: Abrupt, belligerent, overbearing, officious, introverted, or uncommunicativ
e.

3. Acceptable: Courteous, friendly, and empathetic. Communicates in a professional and unbiased
manner.

5. Superior: Establishes rapport and is always
fair.

(25) RELATIONSHIPS WITH SUPERVISORS, CO-WORKERS

1. Unacceptable: Constantly argues with other officers or other superior officers. Belittles other officers or supervisors in front of other people. Fails to adhere to chain of command. Insubordinate.

3. Acceptable: Able to establish a good relationship with other officers and supervisors. Understands and adheres to chain of command. Respects other officers.

5. Superior: Establishes excellent relationships with other officers and supervisors. Possesses thorough understanding of chain of command, and adheres to it. Utmost respect shown to superior officers and peers as well.

(26) GENERAL DEMEANOR

1. Unacceptable: Officer cannot be depended upon to produce routine work without close supervision. Does not adapt readily to new situations, work hours, changing assignments. Tardy, complains about assignments, days off, duties.

3. Acceptable: Officer generally displays initiative, interest in the job, willingness to take on new challenges or schedule changes. Dependable.

5. Superior: Attentive beyond requirements of job. Constantly analyzes own work performance and devises and tries new approaches to problems. Consistently outstanding overall performance. High interest in welfare and image of department. Exemplary.

(27) GENERAL APPEARANCE

1. Unacceptable: Overweight, dirty shoes, uniforms, and leather. Long messy
hair. Offensive body
odor.

3. Acceptable: Neat, clean, and well-pressed uniform. Cleaned and shined shoes and leather. Well groomed
hair.

5. Superior: Tailored uniforms, spit-shined shoes and leather. Command bearin
g.