Argyle Police Department Policies
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	ARGYLE POLICE DEPARTMENT	
	Policy 1.1 Mission, Values, and Written Directive System	
	Effective Date: 02Feb12	**Replaces:**
	Approved: _____ Chief of Police	
	Reference: TBP 1.04.1	

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 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

A. Mission

The mission of the Argyle Police Department is to work with the citizens of Argyle to maintain effectively and efficiently provide for the protection of lives and property, preserve the public peace, and promote individual responsibility and community commitment with the highest level of professionalism and ethical standards.

B. Core Values

The Argyle Police Department holds also to these seven values adopted and set out by our Town Council known as:

The Argyle Commitment

1. Service
    - What we do every day as part of our job
    - How we do our job
    - How well we do our job
    - Responding promptly and effectively
    - Showing respect, compassion, and letting people know we care

2. Integrity
    - Honoring commitments
    - Being dependable
    - Being honest, impartial, and fair
    - Treating everyone with dignity, tolerance and understanding
    - Being faithful and supportive of others
    - Being there through the thick and thin
    - Believing in and achieving the vision of the Town of Argyle

3. Leadership
    - Taking personal responsibility for your actions
    - Taking ownership of your job
    - Begin accountable
    - Taking pride in your work
    - Being credible
    - Leading by example

4. Teamwork
    - Knowing we each have our own talents and abilities
    - Embracing diversity
    - Showing understanding, mutual respect, and trust
    - Being open to new ideas
    - Find strength in unit

5. Communication
    - Listening with an open mind
    - Making sure that what we are saying is what is being heard
    - Knowing it is OK to say, "I don't understand"
    - Knowing we communicate by our appearance, our actions and our words

6. Continuous Improvement
    - Being open to new ideas
    - Seeking new opportunities
    - Looking for new and more effective ways to do things
    - Raising our expectations

7. Professionalism
    - Maintaining self-control
    - Being a positive role model
    - Treating people the way you want to be treated
    - Appreciating the town, its history, and its culture
    - Knowing your job

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.

3. Only the Chief of Police determines policy.

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 discipline.

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. Unlike rules, 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. Employees are advised that they may not alter components of this manual based on memoranda unless the memo was issued by the Chief of Police or designee.

V. WRITTEN DIRECTIVES (TBP 1.04.1)

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 is valid unless signed by the Chief of Police.

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 his or her designee will completely review the Policy Manual and Standard Operating Procedures at least biennially to ensure continued compliance with Texas law and operations. Revisions may be made at any time.

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

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. Each employee of the Department shall sign a statement acknowledging that the member has received, read, understands and agrees to abide by the directive supplied to them in the appropriate manual(s), including revisions. If an employee does not understand the content of an order or directive, or believes that an order or directive illegal or in conflict with other orders or directives, he or she should immediately notify a supervisor who shall provide instruction or training as necessary.

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

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

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

	ARGYLE POLICE DEPARTMENT	
	Policy 1.2 Jurisdiction, Organization and Authority	
	Effective Date:05Apr21	**Replaces: 02Feb12**
	Approved: _____ Chief of Police	
	Reference: TBP 1.01.1, 1.05.1, 1.06.1, 1.07.1, 2.03.1, 3.07.1, 6.05.1, and 8.10.1.	

I. POLICY

The Argyle Police Department is established in accordance with state law and local ordinance, and consists of a Chief of Police and includes full and part-time officers and non-sworn employees as approved by the Town Administrator. The chief executive of the Department is the Chief of Police, appointed by and subordinate to, the Town Administrator. The Chief, in turn, appoints police officers who are charged with enforcing the laws of the State of Texas and all local ordinances. The jurisdiction of the police department is limited to the town limits, or investigation of crimes that occur within those town limits, except in cases of pursuit of offenders who have committed a violation within the town limits and flee outside the town limits, or when another department requests assistance, or when enforcing laws on property owned by the town but outside its boundaries. The organization of the police department must support the effective and efficient accomplishment of departmental functions according to community-oriented policing principles and the Town's Core Values.

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. Within the context of any directive, the use of the word "Officer" denotes sworn personnel.

III. AUTHORITY AND AGENCY JURISDICTION

The jurisdiction of the Argyle Police Department is limited to inside the town limits of the town with certain exceptions. (TBP: 1.05.1, 1.06.1)

A. Police Officers appointed by the town 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 residents and visitors to our Town.

B. Officers have arrest authority anywhere within the State of Texas, however the exercise of that authority will be limited when outside the Town limits to the following situations, and then only to the extent that the officer is able to safely intervene:

1. A felony, or

2. The use of violence or threatened use of violence against a person, or

3. A violation of Texas Penal Code section 49.04 or 49.045 when the officer is in full police uniform and in a marked police vehicle.

When off-duty or out of our 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 on property owned by the Town but outside the Town limits.

D. Officers have authority to pursue offenders outside the Town limits who have committed violations inside the town pursuant to the department's pursuit policy. Officers may also utilize their authority to conduct investigations, including interviewing witnesses, interrogating suspects, executing search and arrest warrants and making lawful warrant-less arrests anywhere in the State of Texas when investigating crimes occurring inside the town.

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 Town Limits is to be maintained in the patrol room.

IV. ORGANIZATIONAL STRUCTURE

A. Organizational structure

1. Argyle Ordinance 81-13 (amended by 2008-06) 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, two Sergeants, and as many police officers or corporals as the Town Council, through the budget process, determines are required to protect and serve the community and otherwise support or carry out the department's objectives.

B. Chain of Command and Succession

1. The Police Chief has full control over departmental activities. In the absence of the Police Chief, a Sergeant shall take command. If the Chief and both Sergeants are unavailable and cannot be reached, then a Patrol officer or Corporal shall take command until a ranking officer is available and shall make any necessary reports via the chain-of-command. Personnel below the rank of Sergeant shall not be construed to be supervisors or to have command authority over other personnel.

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

Plans for any event utilizing departmental personnel will clearly delineate the command structure and outline the span of control.

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 or her delegated authority shall refer the matter to their supervisor 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. 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)

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. The Chief of Police shall attend 40 hours of training provided by Law Enforcement Manage Institute of Texas each training cycle as required by the Texas Education Code.

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: 8.10.1)

F. ORGANIZATIONAL CHART (TBP: 1.01.1)

1. The attached chart denotes chain of command and intra-department relationships. (Appendix A)

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

G. OATH OF OFFICE REQUIRED (TBP: 2.03.1)

1. All sworn officers will swear or affirm any oath required by state law or city ordinance before assuming law enforcement duties. All sworn officers shall abide by the Law Enforcement Officer's Code of Ethics. A copy of the law enforcement Code of Ethics is provided to each sworn officer.

2. Such oath shall be made in public and shall be witnessed by 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 FORCE (TBP: 6.05.1)

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 shall 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 shall not carry any weapon when they 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 official duties. This protection does not extend to those actions 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 authority 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, to include an authorized firearms and handcuffs.
   d. The arresting officer possesses police identification.
   e. When off-duty and out of uniform, officers shall not enforce laws of a Class C misdemeanor nature or conduct traffic enforcement.

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'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;
c. 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.

J. RESERVE OFFICERS

1. Reserve Officers are authorized by Ordinance 2008-06. Reserve Officers have the same authority and responsibility as regular sworn officers when on-duty and working under the direction of the department and are bound by the same policies and standard operating procedures as regular officers.

2. Reserve Officers are required to have the same level of both initial and in-service training as regular officers. (TBP: 3.07.1)

	ARGYLE POLICE DEPARTMENT	
	Policy 1.3 Fiscal Management	
	Effective Date:27Apr21	**Replaces: 20Jan17**
	Approved: _____ Chief of Police	
	Reference: TBP 1.02, 1.03 and 1.10	

I. POLICY.

It is the policy of the Argyle Police Department to maintain the highest level of fiscal responsibility and accountability. The Chief of Police is responsible for the financial management of the department including the development and submission of the departmental budget to the Town Manager.

II. PURPOSE.

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

III. STATEMENT OF SPECIFIC RESPONSIBILITY

Under the provisions set forth by the Town Manager, the Chief of Police has the authority and responsibility for the fiscal management of the Police Department. (TBP: 1.02)

IV. DEFINITIONS

A. Routine Expenditure: Purchases that are budgeted and/or anticipated in the adopted fiscal year's annual budget.

B. Credit Card Expenditure: A purchase using a Town issued credit card, issued in lieu of check or cash used for the purchase of services, supplies or equipment, necessary for the operation of the Department generally in the amount of $500.00 or less.

C. Vendor: Any authorized retailer, wholesaler, manufacturer, or other supplier of goods or services to the Town of Argyle.

D. Tax Exemption Certificate: A document provided to vendors by the Town that indicates that purchases made for Town use are exempt from state sales and use tax.

E. Town Finance Department: Provides administration and accounting of fiscal activity of all Town operations, including budget document preparation.

F. Payment Authorization Form: The document used in lieu of a purchase order and turned in to the Finance Department to approve payment.

V. RESPONSIBILITIES

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

B. If requested, supervisors are responsible for submitting budget requests including any necessary documentation regarding their areas of responsibility during the budget preparation process.

C. The Chief of Police is also responsible for a monthly review of departmental expenditures and revenues.

VI. FINANCIAL TRANSACTIONS (TBP: 1.03)

A. The Chief's Administrative Assistant is responsible for the management and security of any departmental financial transactions. All funds received during the daily business operations from accident reports, open records, donations etc. will be processed and documented through the Town's computerized financial accounting system (InCode).
   1. All transactions shall be processed through the InCode financial system.
   2. Receipts are automatically generated by the InCode financial system.
   3. Transactions are not accepted after business hours.
   4. In the event the Chief's Administrative Assistant is unavailable to take funds during business hours, the Property & Evidence Technician may accept the funds and give the customer a receipt.
   5. If no one is available to process the transaction, it will have to be rescheduled
   6. Funds taken by the Chief's Administrative Assistant are placed into the locking cash drawer built into the workspace area.
   7. Deposits are done on an as needed basis, and are cross checked by other Incode authorized personnel prior to being deposited.
   8. The Argyle Police Department does not maintain a petty cash fund.
   9. The Argyle Police Department does not maintain a Confidential Informant Fund.

B. A member of the Town Finance Department or town appointed auditor will audit the account at least once a year.

VII. ROUTINE EXPENDITURES

A. It is the responsibility of all Police Department employees needing to make a routine purchase of goods or services to:
   1. Obtain approval of a supervisor if amount exceeds $100.00.
   2. First-line supervisors can approve amounts not to exceed $500.00.
   3. All items in excess of $1,000.00 but not exceeding $5,000.00 shall have three verbal or written quotes, or have sole source, preferred vendor or part of a cooperative purchasing agreement.
   4. Ensure that tax-exempt purchase guidelines are followed. Tax-exempt certificate forms are available from the Chief's Administrative Assistant.
   5. Arrange for the delivery of goods or services by the vendor.
   6. Return all invoices, receipts, and/or receiving slips to the Chief's Administrative Assistant.

B. Purchases of non-budgeted items with a cost of more than $5,000.00 are made after a requisition has been approved by the Town Manager. When possible, all items will be purchased from an existing purchasing agreement(s) such as Buy Board, HGAC, Tarrant County Cooperative Purchasing Agreement or other agreements entered into by the Town. Items with a value over $25,000.00 but less than $50,000.00 should have quotes from at least three vendors, sole source documentation provided or be a part of an existing purchasing agreement. Items not purchased from agreements or contracts exceeding $50,000.00 must be competitively bid as required by State law.

C. Any employee, who makes a purchase requiring reimbursement, must submit their receipt(s) to the Chief's Administrative Assistant for processing.

   1. The Chief's Administrative Assistant will ensure the expenditure meets the criteria for use of a payment voucher, and complete the payment voucher; and
   2. Attach the receipt(s); and
   3. Forward the documents to the Town Finance Department for payment.
   4. Reimbursement will not be allowed without receipt(s).

D. The Chief of Police must approve all routine repair and maintenance expenditures over $1,000.00 (one thousand dollars) prior to ordering or receiving the services.

E. In lieu of operating numerous petty cash accounts, purchase order systems and emergency purchase processes, the Town has adopted the use of credit cards with the following restrictions:

   1. Only authorized purchases will be made on the departmental credit card.
   2. The card may be used to pay meal/tip/parking/travel/hotel expenses for approved department training. It is understood that these costs may exceed the $500.00 per transaction limit due to room and/or per diem costs. Travel is pre-approved, and there is no need to obtain additional approval.
   3. It shall not be used for any alcohol or tobacco products unless they are being purchased for an approved training class (i.e. RetroBill, Field Sobriety Training Class)

4. It shall not be used for bar cover charges.
5. It shall not be used for incidental hotel/motel charges (i.e. movies, games internet TV) though computer internet service may be charged if there is no other access and needed to conduct Town business.
6. Fuel purchases are not authorized on this card unless reasonable attempts at locating fleet fuel have failed.
7. Receipts must be turned in and the card usage form filled out as soon as possible. The Chief's Administrative Assistant will maintain all logs and receipts.
8. Credit card reimbursements will be the responsibility of the employee if no receipt is provided unless documented and approved by the Chief of Police.

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

A. All agency property shall be inventoried when received. The Chief of Police will delegate to a supervisor or other designated employee the responsibility of issuing agency owned property to authorized users. This includes recovering said property, if required, when an employee leaves the department.

B. Departmental capital assets will be listed on a current departmental inventory list if the cost of the item is over $5,000.00, or if its useful life span is in excess of three years. All department firearms, TASERs, and vehicles (whether bought with Town funds or through forfeiture actions) are considered capital assets.

C. The department shall conduct a capital assets inventory every year and/or whenever there is a change in command personnel of a unit or the department. The results of the inventory shall be forwarded to the Chief of Police for retention.

	ARGYLE POLICE DEPARTMENT	
	Policy 1.4 Inspections and Audits	
	Effective Date: 9Apr21	**Replaces:02Feb12**
	Approved: Chief of Police	
	Reference: TBP 7.25., 1.13	

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 capably perform its mission, and provide them with the information necessary to plan for the improvement of the department's operations. 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. 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 roll call or at such other times as are appropriate for the type of inspection being conducted.

3. Line inspections shall be conducted at least once per month or at such intervals and times as otherwise directed by departmental policy and the supervisor of the unit concerned.

4. Special line inspections may be ordered at any time by the Chief of Police.

5. Line inspections shall, at a minimum, include an examination of each of the following items that are applicable to that particular unit and that particular type of inspection:

    a. Personal appearance and personal hygiene of unit personnel
    b. Proper wearing of uniforms and uniform equipment
    c. Health, physical fitness, and fitness for duty of unit personnel
    d. Appearance and maintenance of department-owned vehicles assigned to or used by that unit
    e. Unit compliance with departmental policies, regulations, and orders
    f. Availability and currency of departmental policy and procedure manuals and other departmental publications and documents applicable to that unit
    g. 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. Normally no formal written report of line inspections will be required. However, the date of such inspections, items inspected, and condition shall be recorded through Argyle PD web forms and the inspecting supervisor shall document any problems encountered.
    b. All line inspections shall be conducted in accordance with all appropriate safety precautions.
    c. Firearms, both individual and department owned that are used on duty will be inspected for cleanliness and functionality at least monthly. Firearms and other equipment with the potential for causing injury shall be examined only by persons thoroughly familiar with the item being inspected. Inspection of firearms and other weapons shall be conducted only in a manner consistent with

standard safety requirements for the presentation and handling of such weapons.

7. Wherever possible, deficiencies discovered during line inspections shall be corrected immediately by the inspecting supervisor. Where immediate correction is not possible, a re-inspection of the deficient item shall be conducted at the earliest possible date to ensure that the corrective action has been taken.

8. Supervisors should conduct inspections with an eye towards training and eliciting voluntary correction of deficiencies by personnel.

9. Repeated failure to correct deficiencies shall be reported to the appropriate authority, and action will be taken to compel compliance by the person or unit responsible for the deficiency. Failure to correct deficiencies may be the subject of disciplinary action.

B. Readiness Inspections (TBP: 7.25.1)

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. 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's Administrative Assistant is responsible for ensuring continued compliance with the Texas Law Enforcement Best Practices.

B. The Chief's Administrative Assistant 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's Administrative Assistant shall provide the Chief of Police with an e-mail at least monthly advising the status of Best Practices Compliance.

	ARGYLE POLICE DEPARTMENT	
	Policy 1.5 Mutual Aid	
	Effective Date:02Feb12	**Replaces:**
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

On occasion the need arises to request assistance from or give assistance to a neighboring-law enforcement agency. This need may results 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 stops at the city limits, as defined by charter and ordinances, however, officers also have authority to act as peace officers in other areas within the State when requested through a properly executed mutual aid agreement. This authority may be used for the following reasons:

    a. Assisting neighboring-law enforcement agencies, the County Sheriff, or the Texas Department of Public Safety in handling emergency calls and at times when they are unable to respond immediately.

    b. Assisting neighboring-law enforcement agencies, the County Sheriff, or the Texas Department of Public Safety when they are in need of assistance in safely completing a task or assignment.

B. Mutual aid

1. For the purpose of this policy, mutual aid is defined as the assistance given or asked for between the department and other law- enforcement agencies during emergencies. The circumstances 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 supervisor shall immediately notify the Captain 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 Appendix B.

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. 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.

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 Chief of Police shall request the Mayor contact the Governor if State Law Enforcement assistance is required.

2. During declared emergencies and disasters, the support listed in section C above is requested through the Mayor in the regular NIMS process.

	ARGYLE POLICE DEPARTMENT	
	Policy 1.6 Departmental Reports	
	Effective Date: 24Jun21	**Replaces: 02Feb12**
	Approved: Chief of Police	
	Reference:	

I. POLICY

The department is required to maintain records of operations for purposes of investigation, prosecution of offenders, as well as the internal operations of the department. It is the intent of the Department to provide a reporting system through which quality management and administrative decisions may be made.

II. PURPOSE

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

III. ADMINISTRATIVE REPORTS

A. Daily Report
The Chief's Administrative Assistant will provide a daily report to Police staff, Town Hall staff and the media. This report contains information specified by the Chief of Police, and will be created using the RMS Daily Activity report.

B. Monthly NIBRS
A monthly NIBRS (National Incident-Based Reporting System) is compiled by the Records Supervisor or designee and a copy provided to the Chief of Police for review. The original of this report is submitted to the Texas Department of Public Safety.

C. Annual Report
The Annual Report is compiled by the Chief of Police. The report contains an annual summary of the monthly report information and other information which is required by both policy and law. The Annual Report is forwarded to Town Manager.

IV. POLICE RECORDS

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

V. DESTRUCTION AND RETENTION OF RECORDS

Texas State Law provides a criminal penalty for willful destruction, mutilation or alteration of public information. Destruction or removal of documents and records of the department shall be made only in accordance with the State's and Town's Records Retention Schedule.

VI. DEPARTMENTAL FORMS

A. The department shall develop standard forms to be used by officers to assure uniform and consistent reporting of enforcement and enforcement related activities, and to satisfy the requirements of State and Federal Agencies.

B. Departmental forms may be created by the unit needing the form when a form does not yet exist. Any personnel in the department may suggest revisions to an existing form or propose a new form. Proposals and suggestions are submitted to the employee's supervisor, and care is exercised so as not to conflict with any Town policies or forms.

C. The Chief of Police must approve all departmental forms.

	ARGYLE POLICE DEPARTMENT	
	Policy 2.1 Rules of Conduct	
	Effective Date:12AUG20	**Replaces: 17Feb12**
	Approved: Chief of Police	
	Reference: TBP 1.08, 2.02.1, 2.12, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, and 2.22	

I. POLICY

Members of the police profession are entrusted with a great deal of authority and control over the lives of other citizens in the performance of their duties. It is the policy of the Argyle Police Department that all employees, regardless of rank or assignment, will conduct themselves in a professional manner and will be held accountable to the public we serve. The mission of the Department is to work with all members of the community to preserve life, maintain human rights, protect property, promote individual responsibility and community commitment as reflected through the Argyle Commitment (Core Values).

Violation of any of these rules by any member of the department shall be considered sufficient cause for counseling, written reprimand, suspension, demotion, dismissal, or other disciplinary action depending on the severity of the violation.

II. PURPOSE

This policy is intended to define the expectations of conduct for employees of the Argyle Police Department and to provide guidance concerning conduct which is unacceptable. This order applies to all Department employees, both sworn and non-sworn. (TBP: 2.12.1)

III. CODE OF ETHICS (TBP: 2.02.1)

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

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

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

C. **Civilian Employee-** Any employee of the Department other than a sworn officer.

D. **Competent Authority-** That authority, capacity, or power to perform a designated function possessed by superiors, supervisors, commanding officers, federal, state, or other law enforcement officers, or courts which is delegated or vested within them by statute or the Department.

E. **Delegated Authority-** The authority granted to employees by virtue of their position or rank within the department. This authority is granted to carry out the business of the Department in an orderly and efficient fashion..

1. All supervisory personnel will be held directly accountable for the performance of those employees under their immediate control.

F. **Department-** The Argyle, Texas Police Department.

G. **Directive-** Any written or verbal order issued by competent authority.

H. **Employee-** Any individual, sworn or civilian, employed by the Argyle Police Department.

I. **Insubordination-** The willful disobedience of any order lawfully issued by a supervisor or field training officer, whether verbally or in writing, to any employee within their chain of command or under their direction. This includes refusal to follow orders, deliberate delays in following orders, and any disrespectful or abusive language toward in reference to a supervisor or a field training officer.

J. **Memorandum-** A written directive that 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. When an employee signs a memorandum, that employee is required to obey that memorandum as if it were policy. Each employee shall add the memorandum to the policy manual when directed.

K. **Off-Duty-** Not actively engaged in the performance of law enforcement duties or other departmental activities, and not being compensated for activities by the Town.

L. **Officer-** Any sworn member of the department.

M. **On-Duty-** Actively engaged in the performance of law enforcement duties or other departmental activities, and/or being compensated for activities by the Town.

N. **Policy-** A statement of the department's philosophy on a given issue which outlines general goals and acceptable procedures designed to guide the performance of departmental employees.

O. **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.

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

Q. **Suspension-** The period, either with or without pay, during which an employee is denied the authority to perform his/her normal duties.

R. **Termination-** An employee's dismissal from employment by the Department. This does not include resignation or retirement by the employee.

S. **Town-** The Town of Argyle, Texas.

V. GENERAL RULES OF CONDUCT

A. Nothing in these rules and regulations limits the Department's ability to discipline employees because the alleged act or omission does not specifically appear in this manual, other order of the department, or in the laws or ordinances of which the

department is responsible to enforce. This policy is not intended to cover every possible type of misconduct.

B. Off-Duty Enforcement. For the purpose of protecting life and property, officers will always be considered on duty while within the territorial limits of the Town of Argyle and shall be prepared to act to the extent possible any time circumstances indicate their services are required. The above enforcement action will not include enforcement of laws of a Class C Misdemeanor nature or traffic enforcement when out of uniform and off-duty, unless in an off-duty employment capacity with prior supervisory permission.

C. Officers shall carry their official identification on their persons at all times.

D. Officers must be armed at all times while on duty in the Town of Argyle unless directed not to carry a weapon by the Chief of Police. When an officer is on duty, the weapon shall conform to the standards and required qualifications as set forth in the General Orders.

E. Unless during a departmentally approved training, or specifically directed to do otherwise by the Chief of Police, an officer must be armed with a departmentally approved weapon:

1. At any time when in a Town vehicle.

2. At any time when in police uniform.

3. When performing police related off-duty employment.

F. No employee shall wear the uniform, be armed, or carry their badge or identification card while under suspension. An officer shall immediately surrender his/her badge(s), identification card, and city-issued weapon to the supervisor or commanding officer notifying the employee of his/her suspension.

G. An employee shall furnish his/her name and identification number to any person requesting such information. It will be given in writing when specifically requested by a citizen. Employees shall also give the name and badge number of any or all officers that have responded to a police incident to any person at the scene upon request. It will be given in writing when specifically requested by a citizen.

H. Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Texas Constitutions and all applicable laws, ordinances, and rules enacted or pursuant to legal authority.

I. Sworn employees will maintain minimum departmental standards in addition to the Texas Commission on Law Enforcement (TCOLE) requirements necessary for licensing of a Texas Peace Officer. Without written approval from the Chief of Police, no officer, by direct act or omission, will fail to maintain Departmental standards and TCOLE requirements. Failure to maintain standards as specified by

the Argyle Police Department will subject the officer to administrative action or termination.

VI. ETHICAL CONDUCT

A. No employee shall use or disclose his/her status as a member of the Argyle Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

B. No employee shall ask for or accept any gift or bribe, including food or drink, from any individual, business establishment, or organization, which is offered for the performance, or non-performance, of his/her official duties. An employee shall immediately report any such offer made in an attempt to affect the officer's official conduct. (TBP: 2.21.1)

C. 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: 2.21.1)

D. No employee shall misappropriate or misuse public funds, property, personnel, or services.

E. No employee shall engage in discriminating against, oppressing, or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, physical or mental disability, or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful. Employees shall maintain a strictly impartial attitude toward all persons with whom they come into contact in an official capacity. (TBP: 2.17.1)

F. 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.

G. Except as required by duty, an employee shall avoid associating with convicted felons or persons under felony criminal investigation or indictment, except family members. An employee shall not allow a relationship with a family member who is a convicted felon or who is under felony criminal investigation or indictment to compromise his/her sworn duties as an Argyle Police Officer or to bring discredit to the Department.

H. Equal Enforcement. An employee shall treat all persons fairly and equally in the enforcement of the law.

I. Employees shall conduct all investigations in a fair and equitable manner, regardless of their relationship or feelings for any victim or suspect. In cases where an officer has a personal relationship which may interfere with the impartial handling of a call

or case, the employee shall immediately notify a supervisor who may reassign the call or case to another employee.

J. Use of Official Identification or Position. An employee shall not use his/her official position, identification, or badge for personal or financial gain or privilege.

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

1. Using public office for private gain.

2. Giving preferential treatment to any person.

3. Losing independence or impartiality.

L. An employee shall not permit or authorize the use of his/her name, photograph, or official title which identifies him/her as a member of the Argyle Police Department for testimonials or advertisement of any commodity or commercial enterprise, or for any personal reasons without written permission from the Chief of Police.

M. An employee shall not recommend or suggest in any manner, except in the transaction of personal off-duty business, the employment or procurement of a particular product, professional service, or commercial service (example: attorney, ambulance service, towing service, bondsman, mortician, etc.).

VII. PROFESSIONAL CONDUCT

A. 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.

B. An employee shall be courteous to the public.

1. An officer shall perform his/her duties with tact, patience, and discretion.

2. No officer shall use obscene, indecent, profane, or derogatory language while on duty or in uniform.

3. No employee shall treat any member of this Department, or a member of the public, in a discourteous, disrespectful, or discriminatory manner.

C. No employee shall engage in:

1. Any conduct which adversely affects the morale or efficiency of the Department or which has a tendency to adversely affect, lower, or destroy public respect and confidence in the Department or officer.

2. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency, and discipline of this department or that would tend to discredit any of its members.

3. Any act on- or off-duty that brings discredit to this department.

4. Rumormongering, and shall neither divulge nor tolerate gossip detrimental to any member of the Department.

D. All employees will avoid situations that give rise to an actual or apparent conflict between their professional responsibilities and their relationships with other employees. No supervisor shall engage in a romantic relationship or have sexual relations with an employee who reports directly to that supervisor.

E. No employee, when acting outside the course and scope of his/her police duties, shall precipitate, cause, or escalate a disturbance, or engage in any other conduct, which requires a police response from another police agency. If an employee does so, he/she shall:

1. Immediately contact a supervisor to make them aware of the incident. Employees shall not wait until they return to duty.

2. Request the incident or report number from the responding agency. This information will then be provided to the employee's supervisor.

3. Be subject to discipline separate from, and independent of, the outcome of the responding agency's investigation.

F. No employee shall fail to disclose or misrepresent material facts, or make any false or misleading statement, verbally or in writing, on any application, examination form, or other official document, report or form, or during the course of any court related testimony, work-related investigation, or department-related business. (TBP: 2.14.1)

G. No employee shall, with intent to deceive, falsify any report, 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 a supplemental record, document, or report. No employee shall remove or destroy or cause the removal or destruction of any report, document, or record without authorization.

H. No officer shall fail to participate in, or give false or misleading statements, or misrepresent or omit material information to a supervisor or other person in a position of authority, in connection with any investigation of officer conduct.

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

J. No employee shall engage in any of the following acts:

1. Leaving the job to which the employee is assigned during duty hours without reasonable excuse, and permission and approval from a supervisor.

2. Unexcused or unauthorized absence or tardiness.

3. Excessive absenteeism or abuse of leave privileges.

4. Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

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

L. Employees shall not engage in horseplay that reasonably could result in injury or property damage.

M. Insubordination. Employees shall not engage in insubordination or undermine the lawful orders of any supervisor. Insubordination is considered to be a serious violation of policy and, depending on the severity of the violation, can lead to discipline up to, and including, termination of employment.

N. Neglect of Duty. An employee shall not engage in any activity, entertainment, or personal business which would distract or cause the employee to neglect his/her official duties. Neglect of duty includes, but is not limited to, the following examples of conduct:

1. Failure to report to work when called in from off-duty status.

2. Failure to maintain contact with the department when on call either by department issued/sponsored cellular phone or radio.

3. Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

4. Attending to the affairs of a private business or off-duty employer while in an on-duty status.

5. Recreational reading. The exception to this is reading done while on an authorized lunch break, outside of the view of the public.

6. Reading, or completion of assignments, for collegiate coursework while in an on-duty status.

7. Sleeping, loafing, or idling.

O. Dereliction of duty on the part of any employee, detrimental to the proper performance of the functions of the Department, is cause for corrective action. Actions constituting dereliction of duty include, but are not limited to, the following:

1. Failure of supervisor to immediately act when a violation of law, department policy, or regulations comes to his/her attention, regardless of the supervisor's or violator's assignment or rank within the Department. Where possible, supervisors will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.

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

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

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

P. Loitering in Police Facility. No on-duty or off-duty personnel shall remain in the police facility for an extended period of time unless engaged in official business.

Q. Use of Tobacco. An employee shall not use tobacco products, to include smokeless tobacco, dip or snuff, or electronic cigarettes in the immediate presence of citizens while in the discharge of official duties. Employees also shall not use tobacco products, to include smokeless tobacco, dip or snuff, or electronic cigarettes while inside of Department facilities or while operating a Department vehicle.

R. Interference with Investigations

1. An employee shall not interfere with investigations assigned to other officers. He/she shall not undertake any investigation or other police action that is not part of his/her regular police duties without permission from a supervisor. An employee may, however, provide information or may assist in an investigation.

2. Background investigations shall be the exclusive purview of the Chief of Police or his/her designee. Employees shall not conduct inquiries into the background of potential employees unless directed to do so by the Chief of Police or his/her designee, and no employee shall discuss the facts of an investigation with parties not involved in the hiring process.

3. An employee shall not interfere with any arrest or prosecution brought by other members of the Department or by any other agency or person unless a violation of the suspect's Constitutional rights is occurring, and/or the suspect is being physically abused.

4. Operations. An officer shall not interfere with the operation of any departmental function.

S. Conflicting Orders

1. Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

2. No employee is required to obey any order that appears to be in direct conflict with any federal law, state law, or local ordinance. Following a known unlawful order is not a defense and does not relieve the employee from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected employee shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the employee, who shall subsequently be required to justify the refusal.

3. Unless it would jeopardize the safety of any individual, employees who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the employee is obliged to comply. Employees who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

4. If the Chief of Police issues an order that is in conflict with another order, the employee shall inform the Chief of Police of the prior order. The Chief of Police may, at his/her discretion, supersede an order issued by any other supervisor.

T. Requests for Assistance. An employee shall respond to any citizen's reasonable request for assistance by obtaining all pertinent information in an official and courteous manner. The employee shall then act upon the request consistent with established departmental procedures.

U. Response to Calls for Service. Officers shall respond without delay to all calls for police assistance from citizens, other members of the Department, or members of other law enforcement departments. Emergency calls will take precedence. However, all calls shall be answered as soon as possible consistent with normal safety precautions and traffic laws.

V. Proactive Enforcement. An officer shall be proactive in his/her approach to job duties, and actively seek opportunities to address crime and quality of life issues, to include traffic violations. Officers shall optimize time spent on duty and avoid periods of purposeful inactivity.

W. Treatment of Persons Taken into Custody.

1. An employee shall not verbally or physically mistreat any persons in custody of the Argyle Police Department or one of its officers.

2. Employees shall use only such force as is necessary in effecting an arrest or maintaining custody of prisoners.

3. Officers shall use deadly force in effecting an arrest only as authorized in Chapter 9 of the Penal Code of Texas (current version), and as prescribed by the General Orders and other orders of the Department.

X. Departmental Reports. Employees shall submit all necessary reports by the end of their shift, unless an extension is granted by a supervisor.

1. All reports submitted by an employee shall be complete and accurate.

2. Reports will be made on all cases investigated or crimes reported to this department.

3. Any extensions, or overtime accrued, shall require justification on the part of the officer and approving supervisor.

Y. Citizen Complaints. An employee shall never attempt to dissuade any citizen from lodging a complaint. An employee may attempt to resolve the complaint. If the employee cannot readily resolve the complaint, the employee shall promptly and courteously refer the citizen to the appropriate supervisor in accordance with Departmental policy.

Z. Media at Crime Scenes. An employee at a crime scene shall refer the media to the Chief of Police. If the Chief of Police cannot be physically reached, including by telephone, the media shall be referred to the highest-ranking officer present.

AA. Confidentiality of Information. An employee shall treat all official business of the Department as confidential. An officer shall only disseminate official information to those intended to receive it in accordance with established departmental procedures.

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

1. Is defamatory.

2. Is obscene.

3. Is unlawful

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

CC. Investigative Examinations. An employee shall submit to any polygraph, medical, chemical, drug, alcohol, ballistics, photographic, psychological, or other test when directed by the Chief of Police.

DD. Use of Intoxicants.

1. On-Duty or In Uniform. An employee shall not use or purchase intoxicants while in uniform. An employee shall not report for duty or be on duty while under the influence of any intoxicants. Influence will be presumed if the employee has the odor of alcoholic beverage on his/her breath or appears to lack control of his/her mental or physical faculties. An officer engaged in covert operations may use alcohol as directed by superior officers in the accomplishment of a legitimate investigation.

2. Alcohol in Police Installations. An employee shall not bring alcoholic beverages into any police facility or vehicle, except those which may be held for evidence or found property.

3. Off-Duty. An employee, while off-duty, shall refrain from consuming intoxicating beverages to the extent that it results in offensive behavior which might discredit the Department.

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

5. 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/or on-premise consumption of alcoholic beverages, except in the course of official duties. This includes officers who are off-duty and traveling to work, or from work in uniform.

EE. Employees will notify a supervisor in their chain of command 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 judgement. (When notice is provided by prescription label).

FF. Prohibited Establishments. Except as required by duty, an employee shall not frequent, visit, or enter a house or establishment where federal or state laws are violated.

GG. Abuse of Process. An employee shall not make any false accusation or criminal charge, and/or intentionally manufacture, falsify, destroy, and/or withhold evidence or information.

HH. Telephone and Address. An employee shall have a working telephone and shall within 24 hours report any change of telephone number or address in writing to the Chief of Police or his/her designee.

II. Payment of Debts. An employee shall pay just debts when due. Financial difficulties stemming from unforeseen medical expenses or personal disaster should not be cause for discipline, provided that the employee has undertaken a good faith effort to settle all accounts. An employee shall not co-sign a note for any supervisor or subordinate. An employee will not issue a check which he/she knows or should know is insufficient.

JJ. Labor Activities. An employee shall have the right to join labor organizations, but nothing shall compel the Department to recognize or to engage in collective bargaining with any such labor organization.

KK. Political or Other Activities.

i. No person may coerce an employee to participate or to refrain from participating in a political campaign.

ii. An employee, while in uniform or on-duty, shall not take an active part in any political campaign. The term "active part" means making political speeches, passing out cards, or other political literature, writing letters, signing petitions, actively and openly soliciting votes, and making public remarks in support for or against political candidates.

iii. No one may require an employee to contribute to any political fund or to render any political service. No one may punish an employee in any way, to include withholding of promotion, assignment, or privileges, for refusing to do so.

iv. An employee shall receive reasonable leave of absence, provided there is a sufficient number of employees to carry out the normal functions of the Department, to exercise his/her Constitutional right to appear before or petition the Texas Legislature. Such leave shall be without pay unless such representation involves the official business of the Department.

LL. Sexual Harassment. No employee shall sexually harass another:

5. By making unwelcome sexual advances, requests for sexual favors, or other overtures of a sexual nature;

6. By making submission to, or rejection of, such conduct the basis of employment decisions affecting the employee;

7. By creating an intimidating, hostile, or offensive working environment. Conduct that contributes to such an environment includes, but is not limited to:

    a. Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching.

    b. Comments on a worker's appearance, age, private life, etc.

    c. Comments, stories and/or jokes of a sexual nature.

    d. Repeated and unwanted social invitations for dates or physical intimacy after the initial invitation has been declined.

    e. Sending sexually explicit or suggestive messages or images (by phone or by email) to include images of the portions of the sender's anatomy.

    f. Display of sexually explicit or suggestive material.

    g. Sexually suggestive gestures, whistling, catcalls, or leering.

8. All other provisions within the Town Personnel Policy Manual shall apply.

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

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

VIII. MAINTENANCE OF PROPERTY

A. Misappropriation of Town Equipment, Funds or Services. No employee shall direct any Town equipment, funds, or services to his/her personal, non-department use.

B. Responsibility for Town Property. Employees shall be accountable 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. Employees shall be held responsible for loss, damage, or destruction that is due to their own willful acts or negligence.

C. 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.

D. 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 officer action except in accordance with established procedures. Any property or evidence coming into the possession of an employee shall be secured in evidence prior to the end of the employee's shift.

E. 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.

IX. RELATIONSHIP WITH COURTS AND ATTORNEYS

A. 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.

B. Recommending Attorneys or Bondsmen. Employees shall not suggest, recommend, advise, or counsel the retention of a specific attorney or bondsman to any person coming to their attention as a result of police business.

C. No employee shall give any lawyer, bondsman, or the agent of either, or any other person, unauthorized information regarding prisoners in confinement, property in custody, or records of the Department.

D. Testifying for a Defendant. Any employee subpoenaed or requested to testify for a criminal defendant, or against the Town of Argyle, or against the interests of the Department in any hearing or trial shall immediately notify the Chief of Police through the chain of command.

E. 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.

F. 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.

G. Notice of Lawsuits against Officers. Employees who have had a civil action 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.

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

I. Arrest of Officer. An officer who arrests a sworn officer of any law enforcement agency shall immediately notify his/her chain of command, up to the Chief of Police, of the fact. Officers shall, without regard for an individual's status as a sworn officer, take whatever action is appropriate to the circumstances including issuance of summonses or making a physical arrest.

X. EXPECTATION OF PRIVACY

A. Employees shall have no expectation of personal privacy in Department owned spaces, such 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 Chief of Police or his designee.

B. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his/her place of residence or in other locations outside the confines of this agency without express permission from the Chief of Police.

XI. SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures, and may be subject to discipline for:

A. Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance, control, and correction of performance deficiencies.

B. Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

C. Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or being indifferent to any such violation by a subordinate.

D. The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

ARGYLE POLICE DEPARTMENT

Policy 2.2 Bias Based Policing

Effective Date: 28AUG20	**Replaces:08NOV16**

Approved: _____
Chief of Police

Reference: TBP 2.01

I. POLICY

The Argyle Police Department is committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, sexual orientation, national origin, ethnicity, age, disability, religion, or any other legally protected status.

All people carry biases, whether they be explicit or implicit: 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 communities that are 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, sex, sexual orientation, gender, national origin, ethnicity, age, religion, economic status, disability, 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 is intended to limit non-enforcement contacts between officers and the public.

II. PURPOSE

The purpose of this order is to reaffirm the Argyle Police Department's commitment to unbiased policing in all its encounters between officers and any person. These procedures are meant to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion, and to emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

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, or attempting to search, or using force against a person based upon his or her 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 – An investigative detention. The detention of a subject for a brief period of time, based on reasonable suspicion.

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias-based (including racial) 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, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation, cultural group color, creed, disability, or economic status. 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. Examples of bias based (including 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 person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

    b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group is unlikely to own or possess that specific make and/or model of vehicle.

    c. Detaining an individual based upon the determination that a person of that race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group does not belong in a specific part of town or a specific place.

3. Officers shall be cognizant of, 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 limitations on warrantless searches allowed by law. Officers shall also understand the circumstances under which an individual can grant, and revoke, consent to perform a search.

b. Officers shall not use an individual's refusal to consent to a search, or lack of cooperation, to justify a search of the person or vehicle, or a prolonged detention once reasonable suspicion has been dispelled.

4. Personnel shall facilitate an individual's access to other governmental services whenever possible and shall actively provide referrals to other appropriate agencies.

5. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaint process and shall make available copies of the "How to Make a Complaint" when requested, or when it is reasonable to assume that an allegation of bias-based policing will result from a contact.

6. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.

7. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.

8. All personnel are accountable for their actions. Personnel shall justify their actions when required.

B. Training (TBP: 2.01)

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

C. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall take actions to 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 held accountable for repeated instances of bias-based enforcement actions by their subordinates if the supervisor knew, or should reasonably have known, of the subordinate's actions.

4. 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 ideal of impartial enforcement of the laws by modeling appropriate behavior, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.

5. 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.

6. Supervisors shall facilitate the filing of any complaints about law enforcement service.

7. Supervisors will randomly review at least three random videos per officer (either body camera and/or in-car camera video) each quarter to ensure compliance with this policy. For this policy, a "quarter" is defined as one of the following 3-month periods of time; January 1 – March 31, April 1 – June 30, July 1 – September 30, and October 1 – December 31. Supervisors are not required to watch each incident in an entire shift; however, reviewing the footage in a manner intended to gain an understanding of that officer's performance and adherence to policy and law is required. This process will be documented through the PD line inspection form and any violations of policy or law will be addressed through the use of the existing internal affairs policy. (TBP: 2.01)

D. Disciplinary consequences

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

V. COMPLAINT INVESTIGATION

A. The Department shall publish police employee compliment and complaint procedures literature and make them available in the public lobby of the police department, the Town website, and by citizen request. The department's complaint process and its bias based profiling policy will be posted on the department's website.

B. The Department will provide the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer.

C. Complaints alleging incidents of bias based profiling will be fully investigated as described under Policy 2.4.

D. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address, and telephone number. The employee shall then forward the complaint to a supervisor for the initiation of an investigation or direct the individual(s) to the department's physical address or website. Any employee contacted shall provide to that person a copy of a complaint form, or the department process for filing a complaint. All employees will report any allegation of racial profiling to their supervisor before the end of their tour of duty.

E. Complainants will be notified of the results of the investigations when such investigation is completed.

F. If a bias based (including racial) profiling complaint is sustained against an officer, it shall result in appropriate corrective and/or disciplinary action, up to and including termination.

VI. REPORTING (Texas Code of Criminal Procedure Art. 2.132, Art. 2.133 and Art. 2.134)

A. Texas Code of Criminal Procedure Art. 2.132 requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

1. The race or ethnicity of the individual detained;

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

3. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

4. The location of the stop; and

5. The reason for the stop.

B. Texas Code of Criminal Procedure Art. 2.132 requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subsection VI(A) to:

1. The Texas Commission on Law Enforcement; and

2. The governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

3. The data collected as a result of the reporting requirements shall not constitute prima facie evidence of racial profiling.

4. A report required under Subsection VI(B) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information under Article 2.132.

5. The Argyle Police Department shall review the data collected under Subsection VI(A) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

C. Texas Code of Criminal Procedure Art. 2.133 requires a peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

1. A physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

   a. The person's gender; and

   b. The person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability.

2. The initial reason for the stop;

3. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

4. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

5. The reason for the search, including whether :

   a. Any contraband or other evidence was in plain view; or

   b. Any probable cause or reasonable suspicion existed to perform the search; or

   c. The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle.

6. Whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

7. The street address or approximate location of the stop;

8. Whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

9. Whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

D. The chief administrator of a law enforcement agency, regardless of whether the administrator elected, or appointed, is responsible for auditing reports under Subsection VI(C) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

E. Texas Code of Criminal Procedure Art. 2.134 states that a law enforcement agency shall compile and analyze the information contained in each report received by the agency under Art. 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

1. A report required under Subsection IV(E) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

    a. A comparative analysis of the information compiled under Article 2.133 to:

        i. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;

        ii. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

iii. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.

b. Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency was engaged in racial profiling.

c. A report required under Subsection VI(E) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Art. 2.133.

d. The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

	ARGYLE POLICE DEPARTMENT
	Policy 2.4 Internal Investigation Process
	Effective Date: 21MAY21 | **Replaces: 19Jun13**
	Approved: Chief of Police
	Reference: TBP 2.04, 2.05, 2.06, 2.07, ~~2.08~~, 2.09, and 2.10.

I. POLICY

The department's image, credibility 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; however, 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. Consequently, it is in the best interest of the Town, this Department and 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

1. The department encourages any person to bring forward grievances regarding misconduct by department employees. All complaints received shall be handled efficiently and professionally. All officers are obligated to explain complaint procedures to anyone who may inquire.

2. All complaints, regardless of nature, can be filed in person, by mail, email 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 will be followed up to the extent possible. In case of an anonymous complaint, the officer or other person who receives the

anonymous complaint shall reduce the complaint to writing with as much information as possible and forwarded to the Chief of Police or his designee.

3. 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 may be subject to disciplinary action.

4. Normally, a person with a complaint shall be referred to a supervisor who shall assist the individual in recording pertinent information. The supervisor may conduct a preliminary investigation or delegate that task to a first-line supervisor. The preliminary investigation may consist of questioning the officer, complainants, or witnesses, securing evidence or any other fact-finding as deemed necessary.

   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. date and location of event.
   c. any documents and evidence pertinent to the investigation;
   d. recommendations for further investigation or other disposition.

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

6. 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.

7. 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.

8. 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)

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, should it be in the best interest of the employee and the department, may employ counsel techniques sanctioned by the department. Counseling may be 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 job performance.

C. Complaint Procedures

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 departmental 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 service is provided or a failure to provide service or improper attitudes or behavior may be investigated by an assigned supervisor or by the Chief of Police. Depending on the nature of the complaint, the Chief of Police may request another agency to undertake the investigation. (TBP: 2.06)

IV. DISPOSITION OF COMPLAINTS GENERALLY

A. The Chief of Police or his designee shall:

1. Determine after interviewing the complainant the course of action; informal or formal.

2. Informal complaints may be resolved through information given to either the complainant or the officer. Minor complaints alleging rudeness, minor policy violations and performance issues may be assigned to a supervisor for investigation and resolution.

3. If formal, 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.

4. Enter the complaint into the complaint log, assign a complaint number, and have the complaint investigated. Allegations of a violation of the law or serious policy violations will be investigated by the Chief of Police, an investigator assigned by the Chief of Police, or an outside agency as determined by the Chief.

5. Maintain complaint files separate from personnel files. Complaints resulting in disciplinary actions levied against Town employees will be documented and placed in the employee's personnel file.

6. Take disciplinary action following the investigation, if appropriate.

B. All investigations will be completed within 90 days including 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 of Police in writing providing justification for the extension. If approved by the Chief of Police, 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)

C. The purpose of the investigation is to seek out the facts in a particular situation and to ascertain the truth.

D. Upon completion of any investigation, the Chief of Police or designee will notify the complainant in writing, of the results of the investigation and any action taken. (TBP: 2.10)

E. A sustained complaint may result in disciplinary action of one or more of the following:

   a. Retraining
   b. Verbal counseling
   c. Return to probationary status
   d. Written reprimand
   e. EAP Referral
   f. Suspension
   g. Demotion
   h. Termination

F. If a complaint is sustained against an employee, the employee has the right to appeal that decision and/or the discipline imposed.

V. COMPLAINT AGAINST LAW ENFORCEMENT OFFICER OR FIREFIGHTER

A. *Texas Government Code Sec. 614.022* - Complaint to be in Writing and Signed by Complainant. To be considered by the head of a state agency or by the head of a fire or police department, the complaint must be:
   1. In writing, and
   2. Signed by the person making the complaint.

B. *Texas Government Code Sec. 614.023* - Copy of Complaint to be Given to Officer or Employee.
   1. A copy of a signed complaint against a law enforcement officer, fire fighter, or police officer shall be given to the officer or employee within a reasonable time after the complaint is filed.
   2. Disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee.

VI. DISPOSITION OF A SERIOUS COMPLAINT

A. Serious complaints are allegations of misconduct that might result in discharge, suspension, or demotion, or criminal charges being sought. The term "serious complaint," in this manual, is synonymous with "internal investigation." Internal investigations are used to examine alleged brutality, gross excesses of legal authority, or allegations involving supervisory or multiple personnel.

B. 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 or his designee will assign these investigations as required.

C. In cases of serious complaints, the Chief of Police or his designee shall:

   1. Determine if the officer complained of should remain on-duty, be assigned to non-contact assignments, or be put on administrative leave until completion of the investigations.
   2. Determine and assign responsibility for the investigations.
   3. Cause the complaint to be registered and assigned an investigation number in the complaint log.
   4. Maintain close liaison with the District Attorney in investigating an alleged criminal offense. Where liability is at issue, the Chief or his designee shall similarly maintain contact with the town attorney or legal counsel.

VII. INVESTIGATIVE PROCEDURES

A. Two types of investigations may take place: administrative or criminal. Different rules govern interviews of employees in each case.

B. Employee Assistance/Representation

1. Employees are permitted to have an attorney or supervisor 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 employee's 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 may be recorded.

5. The employee shall be provided with the name, rank and command of all persons present during the questioning.

D. Criminal Investigative Interviews

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 or his designated 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 of Police, or his designee shall advise the employee that if he asserts his 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. Administrative Interviews

1. If the Chief of Police wishes to compel an employee to answer questions directly related to his or her official duties, the Chief of Police or his designated 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.

VIII. INVESTIGATIVE TOOLS AND RESOURCES

A. In addition to interviews of the employee and witnesses, the Chief of Police or his designee 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 his designee may, based on reasonable suspicion or 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 a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.

    a. If the employee is believed to be under the influence of alcohol, a licensed breathalyzer operator shall administer the test. The Chief of Police or officer in authority shall witness the test and sign the report.

3. If the employee has a reading of .02 or higher, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty by the Chief of Police or officer in authority.

4. If the employee is believed to be under the influence of self-administered drugs, he 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 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 but is not limited to: 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 may be 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.

IX. 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. Discipline resulting from sustained complaints shall be filed in the individual employee's 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 state law and Town 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.

	ARGYLE POLICE DEPARTMENT	
	Policy 2.5 Employee Disciplinary Process	
	Effective Date:17Feb12	**Replaces:**
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

It is the department's policy to impose any necessary disciplinary action fairly and impartially.

Discipline is a process of taking specific actions which will help train, develop or modify inappropriate actions of an employee, preferably through positive rather than negative measures. Discipline in the department involves reward of employees and in some cases sanctions for inappropriate actions or behavior.

Disciplinary actions and procedures are set out in Chapter 8 of the Town of Argyle Employee handbook. This policy addresses departmental specific policies and in the event of conflict, the Town of Argyle Employee Manual shall prevail.

II. PURPOSE

The purpose of this order is to establish procedures concerning informal and formal disciplinary practices within the department consistent with the Town's Employee Handbook.

III. DEFINITIONS

A. Relief from duty

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

B. 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 (punitive).

IV. PROCEDURES

A. Positive discipline

1. Positive discipline seeks voluntary compliance with established policies, procedures, 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.

    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 an employee's physical or psychological fitness for duty is questioned. Such action may be recommended by any officer. An internal investigation may follow.

2. The Captain, Sergeant or senior officer has authority to relieve an employee from duty, 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 Town Manager, may suspend an officer without pay.

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

D. Forms of Disciplinary Action (See Section 8.02 of the Town of Argyle Employee Handbook.)

1. If the employee has not behaved improperly following a written record of counseling for three years, the record of counseling shall be expunged from the employee's personnel file.

2. Supervisors are expected to informally counsel employees regularly without waiting on instances of poor performance. Most counseling is informal, positive, supportive, and often undocumented.

3. 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.

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 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 or her badge, identification card, and issued firearm.

6. During a suspension, the employee shall not undertake any official duties.

E. 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. ADMINISTRATION OF SUSPENSIONS, DEMOTIONS, OR DISMISSALS

A. After an appropriate investigation, should the Chief of Police or his designee 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. The Chief of Police or his designee will meet with the employee and allow the employee make any statement regarding the evidence or investigation, and review any written statement provided by the employee.

C. The Chief of Police or his designee 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.

D. The Chief or his designee will meet with the employee to inform him or her of his decision. The Chief or his designee 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 (as set out in the Town of Argyle Employee Handbook)

E. 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 files.

	ARGYLE POLICE DEPARTMENT	
	Policy 2.6 Accident and Injury Prevention	
	Effective Date:20Jun13	**Replaces: 17Feb12**
	Approved: _____ Chief of Police	
	Reference: TBP 4.10	

I. POLICY

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 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.

IV. PROCEDURES:

A. Training

1. The department will provide on-going training to all employees on accident and injury prevention.

2. All sworn officers shall complete an Emergency Driving Course at least every three years where their job assignment requires emergency response.

B. Accident Review Board Authority and Responsibilities

1. This agency's Accident Review Board (ARB) shall be responsible for conducting administrative reviews and/or hearings regarding agency motor vehicle crashes and on-duty personal injuries of agency personnel.

2. The ARB is responsible for reviewing all aspects of these incidents and identifying causative and/or contributory factors, where possible. The ARB may draw conclusions concerning whether the accident or injury was preventable but may not recommend discipline or other personnel action.

C. Board Composition

1. The ARB will consist of at least three members as determined and selected by the Chief of Police.

2. The board will be chaired by the Captain of Police. The chairperson shall be responsible for establishing board operating procedures, where not otherwise specified in this policy, subject to the approval of the Chief of Police. The chairperson shall ensure that all personnel under review are provided with current operating procedures of the ARB.

3. Any member of the ARB who does not feel capable of making an impartial decision in a given case because of a conflict of interest with individuals involved or for other reasons shall request replacement for purposes of that specific case review.

4. The ARB chairperson has the authority to call members of this agency to testify at board hearings or to provide written statements necessary for board review.

5. Recommendations of the ARB shall be made by a simple majority vote.

D. Reporting and Investigating Motor Vehicle Crashes and Injuries.

1. Unless incapacitated, officers 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 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 on-scene motor vehicle accident investigators, and the involved officer(s) shall file reports on departmentally approved forms within 24 hours of a crash occurrence. The supervisor's report shall include the following information:
    a. Details of events involved in and contributory 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.
    f. Accidents on private parking lots or below the dollar amount of damage set by the State of Texas do not require submission of Crash Reports to the Texas Department of Transportation.

4. ARB Proceedings

    a. The ARB shall convene as soon as practicable following an agency-involved motor vehicle crash or reportable injury for hearings and/or deliberations.

    b. The board may consider investigative reports submitted from agency personnel and/or statements of witnesses. The board's findings will be classified in one of two ways as follows:
        i. Non-preventable. 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.
        ii. Preventable. 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.

    c. As soon as possible after completing its review, the ARB shall submit a preliminary written report of its findings, conclusions, and recommendations to the involved officer(s), through the chain of command to the agency Chief of Police. Such recommendations may include but are not limited to the following:

i. remedial or refresher training,
ii. modifications or evaluation of equipment; and
iii. modifications or review of agency policy, procedures, training, or tactics.

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

5. Appeal Procedures

a. Officers may appeal findings and recommendations of the ARB regarding preventable crashes or injuries by submitting a written appeal to the Chief of Police within 5 days of the issuance of its preliminary report. Appeals must be accompanied by a written statement specifying points of disagreement with, or perceived oversights in, board findings, and/or provide additional information not previously considered that may bear on the board's findings and recommendations.

b. Where uncontested within 5 days or when otherwise unmodified, the preliminary report of findings of the ARB shall be considered final.

c. The Chief of Police will notify the employee of his or her decision by memorandum within 10 days of receipt of their appeal.

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. 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.

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

E. Annual Analysis

a. At least annually, the Chief of Police or his designee shall conduct an analysis of accidents and personal injuries to determine if

additional training, equipment, or policy modifications may be necessary. (TBP: 4.10)

	ARGYLE POLICE DEPARTMENT	
	Policy 2.7 Court Appearance	
	Effective Date: 17Feb12	**Replaces:**
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

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

II. PURPOSE

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 their supervisor and the prosecutor assigned to the case.

C. Appearance in Court

1. Officers shall receive compensation for appearance in court during off-duty hours.

2. Compensation shall be paid only when officers comply with procedures established by this agency for court appearance, including but not limited to supervisory notification/approval and adherence to documentation procedures for overtime pay.

3. Officers who are late for or unable to appear on a court date shall notify the appropriate court authority as soon as possible, providing name, defendant's name, court designation, and reason for absence or tardiness. The reason for absence or tardiness shall be reviewed by the officer's supervisor and may be referred for disciplinary review.

4. Officers' physical appearance, personal conduct, and manner shall conform to the highest professional police standards.

5. When testifying, officers shall:

    a. restrict remarks to that which is known or believed to be the truth;
    b. speak naturally and calmly in a clearly audible tone of voice;
    c. use plain, clearly understood language and avoid using police terminology, slang, or technical terms; and display a courteous attitude and maintain self-control and composure.

	ARGYLE POLICE DEPARTMENT	
	Policy 2.8 Community Outreach	
	Effective Date: 21Feb17	**Replaces:**
	Approved: _____ Chief of Police	
	Reference: TBP 2.24	

I. PURPOSE

To establish close ties with and respond to the needs of the community. Citizen participation and interaction with the police are necessary to promote cooperative efforts in resolving community issues. It is shared responsibility of all Department members to establish and promote rapport with members of the community.

II. POLICY STATEMENT

It is the policy of the Argyle Police Department to build an open relationship and dialog with the community served. This is accomplished through a variety of means to include community forums and meetings, open house, community surveys and specific, targeted programs. The Department seeks to develop partnerships and resources within the community to build problem-solving groups and to instill a sense of mutual responsibility toward enhancing public safety and to increase the community's ability to resolve issues related to crime or a perception of crime.

III. PROCEDURES

A. Community Relations Function

1. The Community Relations Coordinator will be responsible for coordination, development, evaluation, and preparation of activity reports related to community relations functions.
2. It will be the responsibility of the Patrol Supervisor to maintain liaison with all staff members to ensure a continuous, integrated, and coordinated response to the concerns of the citizens.
3. The community relations functions are a responsibility of every member of the department. (TBP 2.24)

B. Department Personnel

1. Department personnel will promote good community relations by recognizing that the actions and demeanor of Department personnel when dealing with citizens have a significant effect on the public's perception of the Department. The Department's overall effectiveness and level of acceptance with members of our community depends on good community relations.
2. Each employee will conduct himself/herself in a professional, courteous and cooperative manner.

3. The Department is committed to correcting actions, practices, and attitudes which may contribute to community tensions and grievances.

C. Community Relations Plan, Goals, and Objectives

1. A community relations plan will be utilized by the Department as a means to promote rapport with community groups and organizations. The goals and objectives of these programs (i.e. Crime Watch, Crime Prevention and Community Relations meetings) are to serve as a forum to promote Department programs and for citizens to express their concerns or suggestions to the Department. The following items should be considered when working with community members:

   (a) Exchange of helpful information;

   (b) Promote police services that are available to the community;

   (c) Discuss Department objectives, community problems and successes;

   (d) Encourage discussion to promote action aimed at solving problems that may exist;

   (e) Educate citizens about the functions and operations of the Argyle Police Department, and

   (f) Obtain input from community groups to ensure that Department community relation policies and/or training reflect the needs of the community.

      (1) Input will be obtained through Town Hall meetings and various other sources, including, but not limited to:

         (i) Town Council,

         (ii) Social media presence

         (iii) Online Survey's

         (iv) Neighborhood Crime Watch Area Coordinators and other citizen representatives,

         (v) Documented officer contacts,

         (vi) Internal Affairs investigations, and

         (vii) Departmental supervisors.

2. Identify sources of conflict between the Department and the community and to encourage efforts to resolve them. Training needs that are identified will be documented and forwarded to the Community Relations Coordinator.

3. Utilize information obtained from meetings, which may provide direction in development or modification of Department policies, procedures, training and community relations programs and convey the information to the Department, as applicable.

D. Programs

1. Public Information Programs – As part of the community relations plan, publicize Department objectives, problems, and successes through departmental reports and public budget documents.
2. Community Relations Programs – As part of the community relations plan, meet with civic groups, minority groups, home owners associations, crime watch groups, and persons individually, to exchange information, establish liaison with formal community organizations and other community groups, and convey information back to the Department for development of other community relations programs when necessary.
3. Crime Prevention Programs – As part of the community relations plan, provide citizen groups with information on making their families, homes, and businesses more secure, and work to establish crime watch neighborhoods where none exist.

The Department will work for the establishment of additional programs and/or community groups when there is a valid need and/or desire from the community. The Department also encourages voluntary employee participation in community based volunteer programs whenever possible.

	ARGYLE POLICE DEPARTMENT	
	Policy 2.9 Use of Social Media	
	Effective Date: 24FEB20	**Replaces:**
	Approved: _____ Chief of Police	
	Reference:	

I. PURPOSE

This policy establishes guidance on the management, administration, and oversight of social media and its use by officers and employees of the Argyle Police Department. This policy is intended to address social media generally, not just one particular form of social media will change as advances in technology occur and new tools emerge.

II. POLICY STATEMENT

Social media provides a valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and other objectives. The Department supports and utilizes the secure and appropriate use 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 can impact both positively and negatively the confidence the public has in its view of department operations as the Town generally, 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, and any volunteers working for the Department.

III. DEFINITIONS

A. Blog: A self-published diary of commentary on a topic that may allow visitors to post responses, reactions, or comments.

B. Content: Anything that an individual has posted or shared with others online.

C. Employee: Any sworn or non-sworn employee, including reserve officers. For the purposes of this social media policy, volunteers of the Argyle Police Department will be held to the same standard of conduct as employees.

D. Inappropriate Content: Any post that:

1. Defames, abuses, harasses, stalks, threatens, or violates the legal rights of others.
2. Includes racism, hatred, slander, threats, obscenity, violence, or vulgarity.
3. Includes spam or advertisements.
4. Could harm the safety or well-being of one or more employees, including personal attacks.
5. Has personal information about another person or that violates a person's privacy.
6. Includes copyrighted material that belongs to another person.
7. Contains links to inappropriate websites including, but not limited to, pornographic content.

E. Post: Content an individual publishes online on a social media page or site. Content can be in the form of words, stories, photographs, videos, images, or related forms of communication.

F. Profile: Informational description that a user provides about himself or herself on a social networking site.

G. Social Media: A category of internet-based resources that integrate user-generated content with user participation. This includes, but is not limited to, Facebook, Instagram, Snapchat, Twitter, Flickr, YouTube, Wikipedia, as well as web-blogs, bulletin boards/message boards, and news sites (i.e. Nixle, Google News, Yahoo Groups, Reddit). The absence of, or lack of, explicit reference to a specific site does not limit the extent of the application of this policy.

H. Social Media Manager: One or more employees appointed by the Chief of Police to actively manage the Department's official social media pages.

I. Social Network: Online platforms where a user can create a profile, post information, and communicate with others using a range of technologies.

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

K. Website: Published page(s) on the world wide web, usually containing hyperlinks and published by an individual, company, educational institution, government, or organization.

L. Uniform Resource Locator (URL): A specific character string that constitutes a reference to an internet resource. A URL is also commonly called the "web address."

IV. DEPARTMENT AUTHORIZED USE OF SOCIAL MEDIA OR NETWORKS

A. The Chief of Police or the Chief's designee may authorize an employee to use social networks or social media sites for the purpose of promoting the Department's mission and goals.

B. Any unit or employee receiving authorization to use social media sites to represent the Department shall be granted a site profile by the Social Media Manager.

C. Department authorized social media sites shall, when practical:

1. Indicate they are maintained by the Department.
2. Bear authorized Department logo(s).
3. List Department contact information prominently.
4. Include a disclaimer that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department and the Department reserves the right to remove postings which violate federal, state, city, or departmental rules, regulations, ordinances, policies or standards (e.g., obscenities, commercial postings, political statements, or endorsements).
5. Include the URL that links back to the Department's official website. Additionally, the Department's official website may include links to official Department social media sites.

D. Employees shall adhere to the following guidelines when using Department-authorized social media.

1. Employees authorized to use social media on behalf of the Department shall always conduct themselves as representatives of the Department and shall consider the impact that any post may have on the image and integrity of the Department.
2. Employees should be aware that content they contribute to a social media site may constitute public information that is required to be preserved and archived according to the laws of the state of Texas, regardless of whether or not the posting of such content occurs when using Department equipment or the employee's personal devices, and whether or not the site is an official Department site, the employee's personal site, or a site owned, controlled, or administered by a third-party.
3. Information posted on Department-authorized social media sites must be respectful, professional, and truthful. Corrections must be issued when needed to correct an error in a previously made statement of fact.

4. Non-compliance with the City's and/or Department's policies, guidelines, or procedures regarding social networking sites may result in revocation of e-mail and internet privileges and/or other appropriate disciplinary action, including reprimand, suspension, or termination of employment.
5. This policy covers all usage of social networking sites regardless of the type of device used to access them, including but not limited to computers, tablets, and smart phones.
6. Any official Department social media account that profiles an employee or group shall remain under the control of the Department in the event an employee leaves employment with the Argyle Police Department, whether by resignation or termination.
7. All official Department social media sites shall adhere to style and content guidelines as determined by the Chief of Police or the Chief's designee.
8. Employees who are authorized to represent the Argyle Police Department in social networking will be responsible for providing timely updates to the Department's social media sites by sending status updates of public events.
9. Employees shall not post photographs or other information of an evidentiary nature unless such posting will advance an on-going investigation **and** has received the prior authorization of the Chief of Police. Employees will not post photographs or other information relating to:
    a. Specific items of evidence.
    b. Witnesses to crimes.
    c. Suspects.
    d. Undercover officers.
    e. Anything that, if posted immediately to social media, would provide information that would compromise an ongoing investigation, including but not limited to, the location of officers on the perimeter of a barricaded person, the covert movement of officers, or notes or documents related to an ongoing case.
10. Employees are encouraged to limit the use of Department equipment to official Department business, regardless of device type.
11. Employees are encouraged to refrain from using personal equipment to conduct official business on behalf of the Argyle Police Department.

V. PERSONAL USE OF SOCIAL MEDIA

A. Unless contrary to any federal law, state law, or city ordinance, employees shall abide by the following when using social media for personal use:

1. Employees are free to express themselves as private citizens on social media sites to the degree that their speech and/or language does not impair working relationships of the Department, impede the performance of their duties, impair discipline and harmony among co-workers, or negatively affect the public perception of the Department or the Town in general.

2. As public employees, Department personnel are cautioned that speech, whether on or off duty, made pursuant to their official duties – that is, speech which owes its existence to the employee's professional duties and responsibilities – may not be protected speech under the First Amendment and may form the basis for discipline, up to an including termination, if deemed detrimental to the Department.

3. Employees shall not divulge information to which they have access as a result of their employment, including details regarding calls for service; make any statements, speeches, appearances, or endorsements for any product, service, or individual seeking public office; or public materials that appear to represent the views or positions of the Department or the Town without prior written authorization from the Chief of Police or the Chief's designee.

4. 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.

5. Employees shall not post speech to social media networks that contains obscene or sexually explicit language, images, acts, statements, or other forms of speech that ridicule, malign, disparage, or otherwise express bias toward any individual or group. For the purpose of this policy, "sharing", "retweeting" or otherwise re-posting of content is considered the same as creating the content.

6. Employees shall not post images of department logos, banners, similar identifying items, nor post photographs of the employee wearing a department uniform, logo or insignia, in conjunction with the expression of personal opinions regarding any topic. Employees are further restricted from authoring, sharing, "liking", "retweeting", or otherwise expressing agreement with, posts on personal websites that would lead anyone to believe the website represents or has been approved by the Department. In these matters, the Argyle Police Department will make the determination as to whether or not the content tends to represent the official endorsement or approval of the Department.

7. The use of department logos, patches, uniform, badge, or similar identifying items as the background, profile picture, avatar, banner, or other distinguishing image on an employee's social media shall have the effect of making posted or shared content subject to the provisions of this policy. The employee need not explicitly mention affiliation with the Argyle Police Department in the content.

8. Employees are encouraged to be mindful of their safety and the integrity of their careers, as well as the safety of their family and other officers, before posting any information on social media sites that identifies them as a member of the Argyle Police Department.

9. Employees are reminded that engaging in prohibited speech, as noted herein, may provide grounds for undermining or impeaching an employee's testimony in criminal and/or civil proceedings which, in turn, may undermine the public confidence in the Department and the City, and, in some cases, make it impossible for the employee to perform one or more essential duties of the employee's position (for example, testifying to matters under oath without such testimony being successfully and regularly impeached).

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

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

12. 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 or consent.

13. Employees should make reasonable efforts to remove any posts made by a third party on a social networking site under the employee's control which are not in accordance with Departmental policy. For example, if a third party were to post inappropriate content on an employee's social media site, and the employee has held himself/herself out to be an employee of the Argyle Police Department or the City of Argyle, the employee is expected to immediately remove the inappropriate content from the employee's social media site after becoming aware of the inappropriate content (i.e., Facebook "takedown" policy).

VI. MONITORING OF SOCIAL MEDIA

A. Supervisors within the Department may perform random audits of 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 employee becoming aware of or having knowledge of a posting, or of any website or web page, in violation of the provisions of this policy shall notify his or her 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.

	ARGYLE POLICE DEPARTMENT	
	Policy 3.1 Basic Training Requirements	
	Effective Date: 25JUN21	**Replaces: 27Jun17**
	Approved: Chief of Police	
	Reference: TBP 1.09, 3.05, 3.06, 3.07, 3.08, 3.09, 3.18, and 8.11.	

I. POLICY

Today's society is both multi-faceted and complex. In order to provide effective law enforcement services it is imperative that officers, as well as non-sworn employees, have the training necessary to accomplish their mission. The Argyle 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 reserves 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 4.2 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, receive the training required by the Texas Commission on Law Enforcement. In-service instruction may include, but is not limited to:

   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.

2. In each two year cycle, sworn officers must receive:

   a. Those classes required by TCOLE for each officer's proficiency level.
   b. Some physical arrest and/or self-defense tactics.
   c. Basic or refresher training in Self Aid/Buddy Aid.
   d. Training in bias neutralization (implicit bias)
   e. Officer safety and de-escalation tactics (force avoidance)
   f. Crisis Intervention Training (CIT)
   g. Mental Health Training

   Argyle PD makes every effort to have each member of the patrol division certified as a Mental Health Officer (MHO). The Department also makes use of a mental health crisis response team through Denton County MHMR and the Denton County Sheriff's Office. Officers will be trained in the utilization of this system.

3. 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.

4. Reserve Officers will meet the same in-service training requirements as regular officers. (TBP: 3.07)

D. Supervisory Training (TBP: 3.09)

Sworn employees, 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 of Police and/or the Human Resources Director:

    a. Orientation to the department's role, purpose, goals, policies, and procedures.

    b. Working conditions, rules, and regulations.

    c. Responsibilities and rights of employees.

2. Non-Sworn Communicators and Communications Supervisors will complete Commission's Basic Tele-Communicators and TCIC/NCIC Full Operators training within 365 days of hire date. This agency contracts for dispatch services and personnel through an interlocal agreement. (TBP: 3.18)

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 180 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.

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, or

    b. Have completed a TCOLE instructor's course and be certified as an instructor, or

    c. Possess a demonstrated a skill in an area of instruction, or

d. Be knowledgeable of teaching theories, methods, and practices and have some 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.

4. Normally, officers selected and trained as instructors in a particular subject will be expected to teach it when needed for a minimum of two years.

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 designee, shall maintain, a training record for each employee which includes:

   a. The date of training.

   b. The type and hours of training received.

The Commission's TCLEDDS will be used for sworn members of the department. Non-sworn members will have a separate file maintained.

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.

	ARGYLE POLICE DEPARTMENT	
	Policy 3.2 Field Training	
	Effective Date: 19MAY21	**Replaces: 22APR20**
	Approved: Chief of Police	
	Reference: TBP 3.12, 3.13, 3.14, 3.15, and 3.16	

I. POLICY

It is the policy of the Argyle 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 Coordinator. The Field Training Coordinator shall be appointed and evaluated by the Chief of Police.

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: 3.12)

2. The sixteen (16) 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. New officers will be exposed to a minimum of two different field training officers. Each phase has a duration as follows:

a. Phase I – Four (4) weeks

b. Phase II – Five (5) weeks

c. Phase III – Five (5) weeks

d. Phase IV – Two (2) weeks

e. Following the successful completion of the sixteen (16) week Field Training Program, qualified officers shall be evaluated weekly for an additional twelve (12) weeks by their immediate supervisor. (TBP: 3.12.1b, e; 3.16.1)

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 Coordinator. (TBP: 3.12.1d)

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, and victim/witness rights, etc., as outlined in the Argyle 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 Coordinator 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 Coordinator. (TBP: 3.15.1)

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. Specific deficiencies in the trainee officer's performance, along with a plan for addressing these deficiencies, will be clearly outlined in a Remedial Training Plan. This plan will also explicitly state that failure to improve performance may result in termination from employment.

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 Coordinator 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 training phases. The Field Training Coordinator will maintain custody 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 ride with a full-time officer during their tour of duty. Upon being appointed by the Department, the reserve officer will be evaluated for the first 124 hours that they are on duty as a form of abbreviated field training. This evaluation will be documented on the regular field training evaluation form and will be completed daily by the full-time officer with whom the reserve officer rides. These 124 hours of evaluation must be completed within the first eight (8) months following appointment as a reserve officer. If the reserve officer fails to complete the abbreviated field training within the eight-month 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 Coordinator to the Chief of Police. This recommendation must include specific performance deficiencies observed by the officer(s) with whom the reserve officer was riding or by the Field Training Coordinator.

10. Following the successful completion of the minimum 124 field training hours, reserve officers will be informally 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, Training and Compensation

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: 3.12.1a)

2. FTO Training. All officers assigned as FTO's will successfully complete an approved field 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: 3.13.1)

3. FTOs' 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.

6. Employees who are selected as a Field Training Officer (FTO) will be compensated with FTO pay as follows:

    a. FTO pay will be at the rate of $50 per pay period.

    b. FTO pay will be given to Field Training Officers, but **only** during pay periods where the Department has an officer undergoing field training and the Field Training Officer actively trained an officer during that pay period.

    c. The Field Training Coordinator will receive FTO pay **only** during pay periods where the Department has an officer undergoing field training.

    d. Officers who have attended a TCOLE certified FTO training program, but who are not being actively utilized by the Department as a Field Training Officer, shall **not** receive FTO pay.

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: 3.14.1)

2. A report of the findings of this meeting shall be forwarded to the Chief of Police for any action required.

	ARGYLE POLICE DEPARTMENT	
	Policy 4.1 Hiring and Selection	
	Effective Date: 21MAY21	**Replaces: 06Sep16**
	Approved: Chief of Police	
	Reference: 2.23, 3.17, 4.01, 4.02, 4.03, and 4.04.	

I. POLICY

The Argyle Police Department strives to employ the most qualified law-enforcement officers possible in order to 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 applicants shall do so in a fair and consistent manner.

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. QUALIFICATIONS FOR EMPLOYMENT

A. The minimum qualifications that all applicants for the position of police officer must meet to apply include the following:

1. 21 years of age.
2. High school graduate/GED and/or 12 hours of college.
3. Possess a valid Texas Driver's license.
4. Possess a Texas Peace Officer License.

B. Basic/Other qualifications:

1. 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.

2. Pass an oral interview.

3. Pass a polygraph test

4. Pass a physical examination, psychological screening, and drug test.

5. Be of good moral character.

    a. Good moral character is determined by a favorable report following the comprehensive background investigation and oral interview. Good moral character ensures compatibility with the department's community-oriented policing goals.

6. Any other standards required by law or by policy of the Texas Commission on Law Enforcement.

IV. DISQUALIFIERS FOR EMPLOYMENT

The following are absolute disqualifiers for employment as a sworn police officer.

1. Any misstatement of fact, significant admission or omission during the application or background process shall be grounds for disqualifying action, including inconsistent statements made during the initial background interview, personal history statement or polygraph examination.
2. Adult conviction (including a deferred disposition) or admission of any felony, adult conviction (including deferred disposition) of a Class A or certain B misdemeanors, or any family violence conviction.
3. Admission of any hallucinogenic drug use within the past five (5) years.
4. Admission of any other felony illegal drug use within the past five (5) years.
5. Having engaged in marijuana (to include synthetic) usage within thirty-six (36) months of application.
6. Admission of any drug use or possession while employed in any law enforcement capacity.
7. Termination or disciplinary action for any of the following:
    a. Untruthfulness;
    b. Any sustained pattern of acts constituting a bias in any prohibited category including, but not limited to racial, ethnic or sexual harassment or discrimination;
    c. Fighting in the workplace as an adult;

d. Gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations.

8. Dishonorable discharge from the U.S. military service.
9. Having undergone personal bankruptcy more than once.
10. Being convicted of three (3) moving violations and/or accidents in the preceding two (2) year period or five (5) moving violations and/or accidents in the preceding three (3) year period.
11. Two or more chargeable collisions within three years prior to the application.
12. Tattoos, Body Art, and Piercing
    a. Tattoos must be socially acceptable and lack shock or offensive qualities that would not be acceptable to community standards. Tattoos cannot extend past the wrist onto the hands and cannot extend up onto the neckline or above, to include the face.
    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 removed or must be able to be covered by the official uniform or plainclothes apparel when agency personnel are representing the Department.

V. APPLICATION PROCESS FOR SWORN

A. The applicant must complete the following:

1. Complete a written application and submit it to the Chief of Police or designee. Copies of the following documents will also be submitted:

    a. Texas Peace Officer License.
    b. Driver's License.
    c. Information Release Form(s).

VI. 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 of Police or designee will move the application to the next step in the process. If no opening exists, the application will be placed in a file pending an opening (applications will be retained for no more than 90 days in order that data remains current). When an opening occurs, the applicant will 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 TLETS/NLETS.

2. Obtain an NCIC/TCIC criminal history check.

C. The hiring process shall consist of the following steps:

1. Scripted telephone interview

2. Submission of first writing prompt

3. Ride-along with current Argyle Police Officer

4. Submission of Personal History Statement

5. Background investigation

    a. Background packets returned to the Department by the due date will be assigned to a background investigator
    b. The officer conducting the background investigation shall have had training in conducting backgrounds. The background investigation shall include contact with all former law enforcement employers. (TBP: 3.17)
    c. The officer will then conduct a detailed background investigation in accordance with the Background Investigation Manual.
    d. Background investigation results are assembled and submitted to the oral interview board.

6. Oral Board

    a. The applicant is graded on the interview and either passes or fails the interview.

7. If oral board passed, second writing prompt

8. Those passing all steps to this point may then be considered for conditional offers of employment. The applicant's packages will be forwarded to the Chief for the offering of employment.

D. The Chief of Police will meet with the applicant who best meets the need of the department and conducts a detailed interview with the applicant. If the Chief approves a conditional Offer of Employment a copy will be given to the applicant. The Offer of Employment is conditional upon passing:

    1. A polygraph examination;
    2. A post-offer background investigation including a national criminal history check through FAST;
    3. A physical and drug screen, and
    4. A psychological screen test.

E. After a conditional offer of employment is made, the officer assigned to conduct the background investigation may question the applicant regarding his or her prior medical problems including any worker's compensation claims and conditions. He/she shall also schedule the applicant for any further testing. (TBP: 4.03)

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

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

1. Following a medical examination, an offer of employment may be withdrawn if the applicant is incapable of performing the core job functions for the position or poses a "direct threat" in the workplace per EEOC guidelines.
2. Following polygraph, drug screen and psychological screens, an offer of employment may be withdrawn if the applicant does not achieve the standards associated with each exam.

H. If approved for hire, the Chief of Police or designee will make all the necessary arrangements for processing a new employee with the Human Resources Department. Individuals not selected will be notified in writing that the conditional Offer of Employment has been withdrawn.

I. Unsuccessful applicants, that do not have permanent disqualifiers, will be placed on a hiring eligibility list for a period of 180 days. After that, an updated application will be required.

VII. APPLICATION PROCESS FOR NON-SWORN MEMBERS

A. The applicant must complete the process as set out in Chapter 3 of the Town of Argyle Employee Handbook.

B. The applicant must also complete the following:

1. Complete a written Town of Argyle application and submit it as outlined above. Copies of the following documents will also be submitted:

a. Driver's License.
b. Information Release Form(s).

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

A. The Human Resources Department and 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 will assign an officer to conduct a preliminary review of the candidate. If no opening exists, no applications will be accepted.

1. Minimum qualifications for non-sworn positions are dependent upon the current job description for the open 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 the Department of Public Safety.

2. Obtain an NCIC/TCIC criminal history check.

C. An applicant shall be disqualified from consideration if he or she:

1. Does not meet the minimum qualifications necessary for performance of the duties of the position;
2. Has made false statements of fact on the applications, based upon the seriousness, willfulness and applicability of the false information to the position;
3. Is not lawfully authorized to work in the United States;
4. Would be in violation of the nepotism policy or laws; or
5. Can be disqualified from consideration based upon other reasonable grounds relating to job requirements.

D. The Human Resources Director and the Chief of Police will meet with the applicant that best meets the requirements of the department and conduct a detailed interview with the candidate. During the interview, the Chief of Police shall consider the applicant's appearance (for neatness and cleanliness), mannerisms, judgment, maturity, resourcefulness, and compatibility with departmental goals. If the applicant successfully completes the interview process and meets all other preliminary requirements a Conditional Offer of Employment may be made. The Offer of Employment is conditional upon passing:

1. An background investigation including a national criminal history check through the Fingerprint Applicant Services of Texas (FAST)
2. Drug screen

E. After a conditional offer of employment is made, the officer assigned to conduct the background investigation may gain additional information from the applicant regarding his or her prior medical problems including any worker's compensation claims and conditions. The officer will then conduct a detailed background investigation in accordance with the Background Investigation Manual. He/she shall also schedule the applicant for the necessary medical testing. (TBP: 4.03)

F. The officer conducting the background investigation shall have had training in conducting background investigations and shall conduct the background in compliance with the Background Investigation manual. (TBP: 3.17)

G. Upon completion of all testing and the background investigation, the final decision will be made by the Chief of Police.

H. If the individual is approved for hire, the Chief of Police or designee will make all the necessary arrangements for processing a new employee with the Human Resources Department. If the individual is not selected, a letter will be sent to the

applicant advising him or her that the Conditional Offer of Employment has been withdrawn.

I. Unsuccessful applicants, that do not have permanent disqualifiers, will be placed on a hiring eligibility list for a period of 180 days. After that, an updated application will be required.

IX. PERSONNEL RECORDS

A. For each employee, the town maintains a personnel file. This file contains all evaluations, disciplinary action amounting to a written reprimand or higher, leave/attendance record, and assignments. This file in maintained in the Office of the Town Secretary as outlined in Chapter 11 of the Town of Argyle Employee Handbook. (TBP: 2.23, 4.04)

B. The Argyle Police Department maintains a file on each employee that contains the background investigation package and all TCOLE required forms. These files are secured in the records room. (TBP: 2.23)

C. The Town Secretary maintains and controls all personnel records. The department complies with the records retention schedule set by state law and town policy. (TBP: 4.04)

D. Personnel records are permanent property of the Town.

E. 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 Human Resources Department. The HR Department shall disclose the employee's performance record consistent with current law.

F. All records of unsuccessful applicants shall be maintained, including all test results, in a confidential file by the Chief of Police for a period of two years. 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)

	ARGYLE POLICE DEPARTMENT	
	Policy 4.2 Appointment and Probation	
	Effective Date:17Feb12	**Replaces:**
	Approved: _____ Chief of Police	
	Reference: 1.09.1 and 2.03.1	

I. POLICY

The Argyle Police Department is committed to ensuring the standards of the department are maintained and that the people of our town 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 or designee and determine a starting date.

2. On the day selected for employment, the applicant will report to the police department for completion of all initial paperwork and the issuance of the appropriate equipment. The employee shall sign for the issued equipment.

B. The new employee shall be issued a complete and up to date copy of the Argyle Police Department Manual along with any General Orders and Field Manuals.

C. The Chief of Police or his designee shall set a time and place where the new officer shall swear the Oath of Office. The new officer must take and sign the Oath of Office before performing any law enforcement duties. (TBP: 2.03.1)

D. The Chief of Police or his designee shall also assign the new employee to a senior training officer for initial Field Training. The new employee will work the same hours and days off as the Field Training Officer.

E. The new officer must possess a valid Texas Peace Officer License before performing any law enforcement functions. If the officer begins work before

attending a basic academy and obtaining a license, he or she shall perform non-police duties only and shall accompany experienced officers as an observer only. (TBP: 1.09.1)

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 the police department for completion of all initial paperwork.

B. The new employee shall be issued a complete and up to date copy of the Argyle Police Department Manual along with any General Orders and Field Manuals.

C. The employee will be assigned to another employee for training as required.

V. PROBATION

A. All new employees are on probation. Non-sworn personnel are on probation for six months from the date of their employment. All newly-hired police officers shall be considered on probation for one year. 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 either 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.

	ARGYLE POLICE DEPARTMENT	
	Policy 4.3 Career Development, Promotions and Transfers	
	Effective Date: 6NOV24	**Replaces: 16APR21**
	Approved: Chief of Police	
	Reference: 4.06 and 4.07	

I. POLICY

The department encourages employees to seek opportunities to develop their knowledge, skills, and abilities. Promotions are based on performance, demonstrated leadership competencies, and the growth of skills through training and experience. Although promotional opportunities are rarer in a smaller department, this department values the opportunity to advance officers' careers.

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. 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 functionality. The armorer shall also repair broken or malfunctioning weapons.

4. The Chief of Police shall ensure that any employee, upon receiving a promotion or a new assignment, attends training specific to that position within 12 months of promotion or assignment.

B. Promotions (TBP: 4.06)

1. When a vacancy exists for the positions of corporal or sergeant, the Chief of Police, or his designee, shall post an internal advertisement for 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, a candidate must have a minimum of two years police experience as a member of the Argyle Police Department and possess a Basic Certification from the Texas Commission on Law Enforcement.

3. In order to compete for Sergeant, a candidate must have a minimum of four years police experience and possess an Intermediate Certification from the Texas Commission on Law Enforcement. Candidates are not required to hold the rank of Corporal prior to consideration for the rank of Sergeant.

4. In order to be appointed to the rank of Captain, a candidate must have a minimum of seven years police experience and possess a Master Certification from the Texas Commission on Law Enforcement. Internal candidates must hold the rank of Sergeant.

5. Performance evaluations overall score of at least satisfactory for the 12 months prior to the promotional examination process.

6. No discipline above a written reprimand for the 12 months prior to the promotional examination process.

7. Candidate must submit a memorandum entitled "letter of intent" to the office of the Chief of Police, which requests participation and consideration in promotional selection process.

8. The Chief of Police may go outside the department to fill the ranks of Sergeant or higher if circumstances dictate.

D. Process for Promotions Process

1. Candidates for promotion to the rank of Corporal must do the following:

    a. Meet eligibility requirements;
    b. Submit a "letter of intent";
    c. Pass written examination

    d. Final Ranking

        i. Each candidate's promotional score will be based on performance on the written examination.

        ii. A ranked eligibility list based on the promotional scores will be made and forwarded to the chief.

        iii. In the event of two or more officers with identical promotional scores, the following tie breakers will be used in order until the tie is broken.

            a. Time with the department
            b. Total time in law enforcement

    e. Review by Chief of Police

        i. The Chief shall promote candidates in order of promotional score, unless there is sufficient justification to pass over a candidate.

        ii. The decision by the Chief of Police to pass over any officer on the list must be based on compelling reasons (egregious misconduct, extensive disciplinary history, etc).

        iii. The Chief has the sole discretion to determine whether a sufficient justification exists to pass over a candidate.

    f. The eligibility list will be valid for one year from the date of the written test. (TBP: 4.07)

2. Candidates for promotion to the rank of Sergeant must do the following:

    a. Meet eligibility requirements;
    b. Submit "letter of intent";

c. Pass written examination (The candidate must pass the written examination to move to the next step which is an assessment center);
d. Assessment Center Exercises

    i. The assessment exercises may consist of one or more of the following: a structured in-box, tactical scenario, personnel problem, or oral resume.

    ii. The exercises will be designed to measure specific, defined, behavioral dimensions.

    iii. A panel of at least three assessors will grade the assessment exercises. These assessors will be supervisors, from outside of the department, who will hold a rank equal to or higher than the one being competed for.

    iv. The assessors will observe the assessment center exercises and score the candidates based on the established behavioral dimensions.

e. Final Ranking

    i. Each candidate's promotional score will be determined using the following equation:

    (Written Exam Score x 0.4) + (Assessment Center Score x 0.6) = Total Promotional Score

    ii. A ranked eligibility list based on the total promotional scores will be made and forwarded to the chief.

    iii. In the event of two or more officers with identical promotional scores, the following tie breakers will be used in order until the tie is broken.

    Time with the department
    High score on the assessment center exercises

f. Review by Chief of Police

    i. The Chief shall promote candidates in order of promotional score, unless there is sufficient justification to pass over a candidate.

    ii. The decision by the Chief of Police to pass over any officer on the list must be based on compelling reasons (egregious misconduct, extensive disciplinary history, etc).

iii. The Chief has the sole discretion to determine whether a sufficient justification exists to pass over a candidate.

g. The eligibility list will be valid for one year from the date of the written test. (TBP: 4.07)

3. Candidates for the rank of Captain must do the following:

a. Meet eligibility requirements;
b. Submit "letter of intent"
c. Review by Chief of Police
d. Captain is a position that reports directly to the Chief of Police. The Chief of Police therefore has latitude in how the candidate is selected.

4. Promotional Probation

a. The Chief of Police will announce promotions along with the effective date. All promotions are conditioned upon the employee satisfactorily completing a six-month probation period.

E. Transfers

1. The Chief may assign or transfer any employee to a duty assignment that the Chief deems 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 deems to be in the best interest of the department.

	ARGYLE POLICE DEPARTMENT	
	Policy 4.4 Performance Evaluations	
	Effective Date: 17Feb12	**Replaces:**
	Approved: _____ Chief of Police	
	Reference: 4.08.1 and 4.09.1	

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 and town issued form. Supervisors will be trained in the evaluation process prior to conducting the evaluations. (TBP: 4.08.1, 4.09.1)

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 of 60% or higher. Officers who fail to receive an overall of 60% or higher will be placed on probation for a period of 90 days. 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 a calendar year and shall be completed, signed by the employee and rating supervisor and turned in to the Chief of Police by the end of August of each year.

5. All evaluations shall be reviewed with the employee and placed in employees' personnel files.

6. Officers shall be evaluated formally by their immediate supervisor.

7. An officer who receives an unsatisfactory rating he or 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, by their supervisor, on forms approved by the town.

2. Supervisors shall be evaluated by their next level supervisor using forms approved by the town.

	ARGYLE POLICE DEPARTMENT	
	Policy 4.5 Uniforms, Appearance and Equipment	
	Effective Date: 01SEP23	**Replaces: 16SEP20**
	Approved: Chief of Police	
	Reference: 1.11, 1.12, 2.13, 7.17, and 7.23.	

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 we present a professional presence in our community to inspire respect. All employees must strive to present a clean, well-groomed image when wearing the departmental uniform or representing the department in any manner.

II. PURPOSE

To provide officers with a list of uniform and equipment items that are provided or required and provide a departmental dress code for all employees.

III. UNIFORMS AND EQUIPMENT

A. New employees will be issued equipment 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 departmental file. (TBP: 1.11)

B. The Department will provide officers with uniforms and equipment essential to the performance of the officer's duties. The Town will provide the Department with a uniform and clothing budget to assist in the purchase and maintenance of these uniform and equipment items.

C. Each employee must sign an inventory or quartermaster sheet listing all equipment issued to the employee or purchased through the Department uniform and clothing budget. The inventory and quartermaster sheets will be maintained in the employee's departmental file.

D. Employees are responsible for the equipment issued or purchased through the Department uniform and clothing budget. The employee's supervisor shall ensure all equipment is returned to the department upon resignation, termination or retirement.

E. When an employee terminates employment, all equipment issued or purchased by the Town shall be returned prior to the day the termination is effective. Failure to return all items of town property may result in taking legal action. (TBP: 1.12)

F. 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.

G. With the approval of the Chief of Police, employees are allowed to purchase a flat wallet badge, after completing their probationary period.

IV. UNIFORMS AND EQUIPMENT PROVIDED BY THE TOWN

A. Uniforms and equipment provided to Police Officers by the Town of Argyle shall include:

1. One (1) shirt badge
2. One (1) name plate
3. One (1) winter jacket
4. One (1) protective vest (body armor)
5. One (1) traffic vest
6. One (1) Duty Handgun, holster and Magazines
7. One (1) Patrol Rifle and Magazines (1-20, 2-30)
8. One (1) Pair handcuffs and handcuff holder.
9. One (1) Bailout bag
10. One (1) Taser and holster.
11. One (1) Cannister Oleoresin Capsicum (OC) spray and holder.
12. One (1) Expandable Baton and holder.
13. One (1) Handheld portable radio
14. Rank insignia as needed.

B. Uniforms and equipment that are excessively worn or damaged shall be replaced through the Department's uniform and clothing budget.

C. Uniforms or civilian business attire (coat and tie for men or equivalent for women) shall be worn for all court appearances.

V. LIST OF ITEMS AUTHORIZED FOR DEPARTMENT PURCHASE

A. Officers may request that the Department purchase additional uniforms and equipment, as needed or desired. Uniforms must be purchased from one of the Department's authorized vendors.

B. Individually purchased equipment may be purchased from any vendor but must comply with current uniform or equipment standards.

C. Uniform items and equipment meeting departmental specifications and provided by individual officers shall include:

1. Black, Navy, or White Undershirts
2. Black or Navy Blue Socks
3. Footwear which meets department regulations

D. The following is a list of items that officers may request for purchase by the Department.

1. Uniform shirts, pants, shorts, coat, or department approved hat.
2. Uniform shoes or boots.
3. Uniform duty leather.
4. Duty equipment (includes flashlight, handcuffs, baton, knife, clipboard, pistol magazines, raincoat, etc.).
5. Other equipment which is essential to the performance of the officer's duties.

VI. PROTECTIVE VESTS (TBP: 7.23)

A. Body armor is purchased by the department for all sworn officers. Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.

B. Uniformed officers, regardless of rank, will wear departmentally issued protective vests when in contact with the public. Officers working assignments where public contact is unlikely will maintain their vests where they are readily accessible in the event they are needed. Any officer participating in any search warrant execution or other high-risk activity will wear protective vests.

C. Officers will wear departmentally issued protective vests while in uniform and working any off-duty employment.

D. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness. 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.

VII. LOAD BEARING VESTS

Officers shall have the option of wearing a Load Bearing Vest (LBV) as part of their regular duty uniform. A load bearing vest is an external ballistic panel carrier designed to allow an officer's duty equipment to be carried on the upper torso as opposed to on the leather duty belt.

A. Officers shall wear only Load Bearing Vests approved by the Chief of Police.

B. Ballistic panels, rated to Level IIIA, shall be worn inside of the vest carrier.

C. Duty equipment carried on the Load Bearing Vest shall be in pouches, holders, or holsters that are:

1. Uniform in appearance, and

2. Affixed to the vest's molle webbing, and
3. Either issued by the Department or approved by the Chief of Police prior to being worn.

D. The Load Bearing Vest will be dark/navy blue in color and will have affixed to it:

1. The name of the officer, including first initial and last name, on a name plate or stitched onto the right breast area of the vest, and
2. An Argyle Police Department badge or badge patch on the left breast area of the vest.
3. A Department issued patch on the back bearing the word "POLICE" on a black background.
4. An officer's equipment will not obscure the view of any of the above items.

E. Equipment authorized to be carried on the Load Bearing Vest (LBV) includes:

1. Handcuffs
2. Oleoresin Capsicum (OC) Spray.
3. Expandable Baton.
4. Police Radio.
5. Flashlight.
6. Conducted Energy Weapon (CEW)
7. Gloves.
8. Tourniquet.
9. Mobile Phone.

F. The following items will **not** be carried on the Load Bearing Vest (LBV):

1. Firearms, either Department-issued or personally owned.
2. Firearm magazines.
3. Patrol Rifle Magazines.
4. Knives.

G. The Load Bearing Vest will not be worn at any formal occasion including, but not limited to, ceremonies or funerals. The Chief of Police may specify occasions where the Load Bearing Vest will not be worn.

H. The Load Bearing Vest may be worn at authorized off-duty employment, subject to the desires of the off-duty employer.

VIII. 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)

IX. DEPARTMENTAL APPEARANCE REQUIREMENTS (TBP: 2.13)

A. Uniform Employees

1. When wearing the uniform, employees will be in full uniform, including all items that are integral parts of the uniform. All uniforms and accessories must be maintained in a clean and well pressed condition. The formal hat is optional except at formal occasions. No part of the uniform shall be worn with civilian clothing or vice-versa.

2. Shirttails will be worn tucked in at all times. Employees may wear a black turtleneck or mock turtleneck with long sleeve shirts during cold weather.

3. Uniform Shirt

    a. The uniform shirt will be dark blue/navy in color and only shirts approved by the Chief of Police shall be worn.
    b. A department-issued shoulder patch shall be sewn onto each shoulder of the shirt.
    c. Shirts may be button up or zipper front, but must have the appearance of a button up shirt.
    d. All buttons on the shirt will be buttoned at all times, with the exception of the collar button. Sleeves shall not be rolled up or turned under on any uniform shirt.
    e. Shirts shall not have a dirty, wrinkled, torn, stained, or faded appearance.
    f. A long sleeve shirt and black uniform tie shall be worn when officers are attending a funeral, formal ceremony, or when ordered by the Chief of Police.

4. Undershirt

    The undershirt must be one solid color including stitching and trim, and may be white, black, or dark blue. The sleeves of the undershirt may not extend beyond the sleeves of the uniform shirt.

5. Pants

    a. Uniform pants shall be in a color identical to the uniform shirt. Only pants approved by the Chief of Police shall be worn.
    b. Class A pants (pants with no visible "cargo pockets") shall be worn when officers are attending a funeral, formal ceremony, or when ordered by the Chief of Police.
    c. Pants shall not have a dirty, wrinkled, torn, stained, or faded appearance.

6. Shorts

    a. Uniform shorts shall be in a color identical to the uniform shirt. Only shorts approved by the Chief of Police shall be worn.
    b. Uniform shorts shall NOT be worn when officers are attending a funeral, formal ceremony, or when ordered by the Chief of Police.
    c. Wearing of uniform shorts shall be noted on Requests for Off-Duty Employment.

7. Coat

    a. Coats or jackets must be specifically designed as police duty gear and must have a metal grommet badge holder or an embroidered badge on the left breast area of the outside of the jacket.
    b. Coats or jackets must be of the same color as the uniform and must display Department-issued patches on both shoulders.
    c. No coat or jacket shall be worn unless it was issued by the Department or specifically approved by the Chief of Police.

8. Tie

    a. A tie shall be worn along with the long sleeve shirt at any formal occasion including, but not limited to, ceremonies or funerals. The Chief of Police may specify other occasions where a tie shall be worn.
    b. Ties shall be clip-on, solid black in color, and shall not have a "shiny" or metallic appearance.
    c. At tie may have a metal tie clip which must be a solid silver color, except that those at or above the rank of Sergeant may wear a solid gold color metal tie clip.

9. Belt

    a. Officers shall wear a duty belt made of leather, synthetic leather, or nylon.
    b. The belt must be smooth and plain black in color. No glossy or basket weave belts shall be worn.
    c. The belt will be held in place on the officer's waist by either keepers or a velcro underbelt system. All keepers must be black in color and shall be leather if worn with a leather belt.
    d. All items placed on the duty belt must be inside a holder/holster secured to the belt or have a clip attached to the item that attaches to the belt. The following items are approved to be worn on the duty belt.
        1. Department issued firearm
        2. Handcuffs
        3. Expandable baton
        4. Radio
        5. Ammunition magazines

6. Oleoresin Capsicum (OC) spray
7. Flashlight
8. Mobile phone
9. Electronic Control Weapon (ECW)
10. Glove pouch

e. All holders/holsters used to carry equipment on the duty belt shall be:

1. Black in color
2. Made of leather or hard plastic if the duty belt is made of leather or synthetic leather
3. Made of nylon or hard plastic if the duty belt is made of nylon

10. Rank Insignia - Employees holding the rank of Captain will wear ½" gold Captain bars (two gold bars) on both collars ½ inch from the front edge of the collar centered between the neck line and the bottom edge of the collar. Employees holding the rank of Sergeant will wear three (3) embroidered chevrons approximately ¼" below the department issued shoulder patch with the single point up. Employees holding the rank of Corporal will wear two (2) embroidered chevrons approximately ¼" below the department issued shoulder patch with the single point up.

11. Name Plates/Tapes - Each employee, regardless of rank, will wear a departmental issued nameplate or nametape, centered ½ inch above the right shirt pocket seam. The nameplate will have the officer's first initial and last name. Officers holding the rank of Corporal or higher will wear gold and the rank of Police Officer will wear silver.

12. Department Shirt Badges

a. All sworn personnel, when in the Standard Duty Uniform, will wear their department badge, prominently displayed above the left shirt pocket.
b. The badge shall always be displayed on the outer most layer of clothing. If the officer wears a jacket or coat, the badge or a badge patch must be displayed on the left breast of the jacket or coat.

13. Footwear

a. Footwear will be solid black in color and will be made of leather, patent leather, or Corfam.
b. Heels of footwear may not exceed 1 ½ inches in height, from the top of the sole to the bottom of the heel.
c. Boots may be worn as long as every part of the boot, including stitching, is black.
d. Boots must have a rounded toe
e. The heel of the boot must be flat with not buckles or straps.

f. All-leather sports shoes may be worn if all outer portions of the shoe are black, including the laces, and do not prominently display a manufacturer's name or logo.
g. Any lettering on the outside of a sports shoe must be black, and no larger than one quarter inch in height.
h. Sports and athletic type shoes are prohibited from wear at any formal occasion including, but not limited to, ceremonies or funerals. The Chief of Police may specify occasions where athletic type shoes will not be worn.

14. Socks

a. Socks worn with the uniform shall be solid black or navy blue in color.
b. Socks worn with uniform shorts shall not extend above the ankle.

15. Sunglasses

a. Sunglasses that are mirrored or one-way are not permitted for on-duty use.
b. Officers should not routinely contact or speak with a member of the public while wearing sunglasses. The exception to this regulation is those officers who wear prescription glasses which darken automatically when in direct sunlight.

16. Hats and headgear

a. No hat or headgear will be worn unless it has been approved by the Chief of Police

b. The departmental approved formal hat will be of the round military style. The brim and base will be polished black.

1. The wearing of these hats will be optional for standard duty assignments.

2. These hats will be worn while officers are outdoors and attending formal events including, but not limited to, ceremonies or funerals.

c. Officers are only authorized to wear baseball style caps during inclement weather, during the summer months, or in conjunction with a utility uniform during specialized assignments or outdoor training. Baseball style caps shall be solid black in color and may bear only the following imagery on the **front** of the cap:

1. The word "Police", or

2. The words "Argyle Police", or

3. An image of the Argyle Police Department badge.

d. Winter headgear may consist of solid navy blue or black knit cap and may bear only the following imagery on the **front** of the cap:

1. The word "Police", or

2. The words "Argyle Police", or

3. An image of the Argyle Police Department badge.

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.

In order to recognize employees for their performance, the department will issue uniform medals based on prescribed criterion as described below.

1. MEDAL OF HONOR - The highest award in the Department. To be awarded to an officer who voluntarily distinguishes himself/herself conspicuously by gallantry and extraordinary heroism. The act must be in excess of normal demands and of such a nature that the officer was fully aware of the imminent threat to his or her personal safety, and acted above and beyond the call of duty at the risk of his or her life. The term above and beyond the call of duty in the qualifications for the Police Medal of Honor disqualifies all acts of courage, no matter how great, performed in the course of carrying out verbal or written orders.

2. MEDAL OF VALOR - To be awarded for exceptional bravery at imminent risk of serious bodily injury, with the recipient having demonstrated exceptional courage by performing a voluntary course of action in an extremely dangerous situation. The term voluntary course of action in the qualification for the Police Medal for Valor disqualifies all acts of courage, no matter how great, performed in the course of carrying out verbal or written orders.

3. MERITORIOUS CONDUCT - Ranked next in prominence to the Police Medal for Valor. To be awarded for a heroic deed and exceptional meritorious conduct involving exemplary courage, risk and danger to an officer's personal safety. May be awarded to an officer for meritorious service in a duty of great responsibility, the duty reflecting excellence in such performance, and whereby the officer distinguishes himself or herself

and the Department in carrying out such performance.

4. LIFE SAVING - Awarded to an officer who has been instrumental in saving the life of another person. It must be shown that the actions of the officer were life sustaining, and the individual would have perished but for the actions of the officer.

5. PURPLE HEART - Awarded to an officer who, while making an arrest or attempting to make an arrest, sustains an injury which requires treatment by a physician.

6. CERTIFICATE OF MERIT - For excellence in police work. To be awarded to Police Officers of any rank for outstanding performance of duties under unusual, complicated, or hazardous conditions over any period of time. To be awarded to non-sworn police personnel, as well as officers, for outstanding or superior performance of any assignment over a prolonged period of time, but such performance to be clearly defined as exceptional, placing them well above other officers or civilians of equal rank or grade.

7. COMMUNITY SERVICE - Awarded for participation in a community project, service, organization, or special event which further enhances a positive relationship between the community and the Department. This award may be recommended by any officer or immediately awarded by the Chief of Police.

8. BABY DELIVERY – Awarded to an officer who has been instrumental in the delivery of a child in the course of the performance of their duties.

9. OFFICER OF THE YEAR - Awarded to a full-time police officer who best demonstrates the conduct, proficiency and attitude that reflects the department's ideals in a given year.

10. GOOD CONDUCT - Awarded at three-year intervals for good conduct. Good conduct shall mean conduct which excludes any disciplinary actions involving suspension, additional probation, or demotion for cause.

11. BACHELOR'S DEGREE - Awarded to an officer/employee who completes the requirements for and is awarded a Bachelor's Degree from an accredited university.

12. MASTER'S DEGREE - Awarded to an officer/employee who completes the requirements for and is awarded a Master's Degree from an accredited university. If worn, the ribbon for Bachelor's Degree will not be worn.

13. NATIONAL ACADEMY – Awarded to officers who successfully complete and graduate from the Federal Bureau of Investigations National Academy.

14. LEMIT - Awarded to officers who successfully complete and graduate from the Law Enforcement Management Institute of Texas.

15. MASTER PEACE OFFICER - Awarded to officers who complete the requirements for and are awarded a Master Peace Officer Certification from the Texas Commission on Law Enforcement (TCOLE). If worn, the ribbons for advanced certification and/or intermediate certification will not be worn.

16. ADVANCED CERTIFICATION - Awarded to officers who complete the requirements for and are awarded an Advanced Certification/License from TCOLE. If worn, the ribbon for intermediate certification will not be worn.

17. INTERMEDIATE CERTIFICATION – Awarded to officers who complete the requirements for and are awarded an Intermediate Certification from TCOLE.

18. MENTAL HEALTH OFFICER – Awarded to officers who have successfully completed the required training and tested as mandated by TCOLE and have been awarded a Mental Health Officer certificate from TCOLE.

19. FIELD TRAINING OFFICER – Awarded to officers who are certified as a Field Training Officer and are actively being utilized in that capacity by the Argyle Police Department. The award may still be worn even if the Department does not currently have an officer in training. This award shall not be worn by an officer who has opted out of a field training role or who has been removed as a field trainer by the Department.

20. FIREARMS INSTRUCTOR – Awarded to officers who have successfully completed the required course of instruction and are actively being utilized in that capacity by the Argyle Police Department.

21. ACCIDENT RECONSTRUCTIONIST – Awarded to officers who are certified as a police accident reconstructionist and are actively being utilized in that capacity by the Argyle Police Department.

22. INSTRUCTOR CERTIFICATION - Awarded to officers who have successfully completed the required training and testing as mandated by TCOLE and have been awarded an Instructor's Certificate through TCOLE.

23. INTOXILYZER – Awarded to officers who are certified as an intoxilyzer operator and is actively being utilized in this capacity by the Argyle Police Department.

24. SAFE DRIVER - Awarded at three-year intervals to officers who have not been involved in a chargeable fleet accident during the previous thirty-six

months.

25. LAW ENFORCEMENT SERVICE - Awarded to officers at five-year intervals, for their service as full-time law enforcement officers.

26. MARKSMAN – Awarded to the two officers each calendar year who exhibit the most accurate shooting during the Spring pistol qualification. Determination of accuracy will be based upon number of shots placed within the "9 box" on the standard pistol target. In the event that two or more shooters have an identical number of shots placed within the "9 box", the shooter with the greatest number of shots placed within the "X ring" will be declared to be the more accurate shooter. Officers who receive this award in subsequent years will be awarded numerals commensurate with the number of Marksman awards achieved to place on the Marksman bar (Ex: An officer who receives this award in consecutive years would wear a Marksman bar with the numeral "2" affixed to it).

27. MILITARY SERVICE – Awarded to officers who have completed, at a minimum, their first service obligation in the US Army, US Navy, US Marine Corps, US Air Force, or US Coast Guard. Also awarded to officers who are currently enlisted in the Reserve forces of any of the aforementioned military branches.

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. Acceptable clothing includes:

    a. 5.11 or similar style pants or slacks with golf shirt, dress shirts (long or short sleeved), ties (excluding Bow ties), socks, shoes and appropriate head wear.

    b. Head wear must be appropriate to business dress attire and previously approved by the Chief of Police or his/her designee.

    c. Business or sports jackets are optional unless required for court or a specific event or task.

2. Socks should coordinate with the pants. White socks are prohibited unless worn with boots where the socks are hidden.

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 blouses, skirts, dresses and appropriate footwear.

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

F. Physical Appearance

1. Employees shall maintain their physical appearance in accordance with good taste and professionalism. Hair shall not be dyed, colored, or styled in a manner which would draw undue attention to the employee. Female employees' makeup shall be tastefully applied. Male employees shall not appear for work needing a 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.

   b. Female employees shall wear their hair so as to present a groomed appearance. They shall not be restricted as to the length of their hair. However, hair must be secured so that it does not extend below the bottom of the collar. It shall not be allowed to hang into the employee's face, either in front or on the sides.

   c. In accordance with Texas House Bill 567 (88th Legislative Session, 2023-2024), employees shall not be restricted from displaying hairstyles based on hair texture or protective hairstyle associated with race.

3. Mustaches, Sideburns, Beards and Goatees

Mustaches are allowed and shall be neatly trimmed and shall not extend below or beyond the corners of the mouth nor over the defined line of the upper lip.

Sideburns shall be neatly trimmed and shall not extend below the bottom of the ear nor be wider at the bottom than at the top.

Beards and goatees are permitted. Employees may not wear a beard or goatee without a mustache and may not extend the length of the mustache without connecting it to a beard or goatee. Beards and goatees must remain neatly trimmed and the bulk of the beard (distance that the mass of facial hair protrudes from the skin of the face) shall not exceed one-half inch. The length of the individual hair shall be limited to three-quarters of an inch. Goatees and beards must be kept trimmed above the neckline (above the Adam's apple). In the event the Chief of Police or Command Staff deem a beard, mustache or goatee to be unsightly, the employee will trim the beard, mustache or goatee when requested to do so.

Employees will be clean shaven other than the allowed mustache or beard. Consistent stubble is not acceptable.

Artwork shave in facial hair is unacceptable. Cuts such as thin lines along the cheekbones and around the chin are not allowed.

Officers assigned duties that require wearing Self-Contained Breathing Apparatus (SCBA) or a gas mask, will be clean shaven other than the allowed mustache.

4. Jewelry

a. Female employees may wear earrings that do not distract from the professional appearance or constitute a safety hazard. Earrings shall comply with the following:

    1. One per ear
    2. Matching pair
    3. On the ear lobe

b. Male employees shall not wear earrings while on duty.

c. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

d. To present a uniform and objectively neutral appearance to the public, non-departmental jewelry or pins shall not be worn on the uniform at any time or in plain clothes while on duty unless

specifically authorized by the Chief of Police. Stop Stick awards and United Way pins are so authorized.

5. Personal Hygiene

   Employees shall practice good personal hygiene at all times, including the use of soap, water, and deodorant.

6. Tattoos, Body Art and Piercing

   a. While representing the Department in an official capacity, no Department personnel shall exhibit any visible tattoos, body art or branding that is socially unacceptable, offensive, or that would not be acceptable to community standards. The Chief of Police reserves the right to determine whether a tattoo, body art, or branding is unacceptable, and officers may cover the tattoo, body art or branding with the official uniform, a black nylon arm sleeve, or plain clothes apparel.

   b. Officers desiring to obtain a new tattoo, body art, or branding which would be visible while in uniform must submit a sketch of the new tattoo, body art, or branding to the Chief of Police for prior approval.

   c. No tattoo, body art or branding shall be visible on the head, scalp, face, neck, hands, or fingers.

   d. This regulation does not apply to undercover officers when acting in that capacity.

   e. 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.

	ARGYLE POLICE DEPARTMENT	
	Policy 4.6 Off-Duty Employment	
	Effective Date: 15JUL24	**Replaces: 06OCT20**
	Approved: Chief of Police	
	Reference: 4.05.1	

I. POLICY

The nature of the law enforcement task requires department employees to have the ability to work irregular duty schedules that are subject to change in meeting deployment needs. Additionally, it is necessary that an employee have adequate rest to be alert during his or her tour of duty. The Chief of Police must ensure the continued efficiency of the Department while simultaneously reducing or eliminating conflicts of interest.

For these reasons and because certain occupations inherently conflict with an employee's primary responsibility to the department, outside employment shall be governed by the restrictions below. Employees should understand that working off-duty jobs is a privilege and not a right.

II. DEFINITIONS

A. **Department** – The Argyle Police Department

B. **Off-Duty Employment** – Work not done as part of regular employment by this department, but which is available, and which provides compensation (a fee or otherwise), due to employment as an Argyle police officer. This includes self-employment which is related to law enforcement, or derives credibility from the individual's status as a law enforcement officer. Volunteer charity work is excluded unless it involves law-enforcement duties.

C. **Off-Duty Police Employment** – Off-duty employment that may entail the use of law-enforcement powers granted by the State of Texas or Town of Argyle.

D. **Outside Employment-Other Than Police Duty** – Any off-duty work for pay that is not related to law enforcement. Secondary employment positions shall not require sworn enforcement powers as a condition of employment, and the work does not provide implied law-enforcement service.

E. **Probationary Period-** Any period when an officer is on probation, including when initially hired or anytime an officer is placed on probation for any disciplinary action or fitness for duty evaluation. The initial probationary period for a new hire is twelve months, but the officer shall be eligible for off-duty employment 90 days past the successful completion of the field training program.

F. **Sexually Oriented Business** – a business that is part of the sex industry, such as sites of erotic performance and erotic paraphernalia stores.

G. **Town**- The Town of Argyle

III. PROCEDURES

A. General

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

2. No employee shall work off duty during a probationary period. Any exceptions are subject to approval by the Chief of Police.

3. Employees on medical or sick leave, temporary disability, or light duty due to injury are ineligible for off-duty employment.

4. An employee engaged in off-duty employment may be called to duty in an emergency.

5. An employee engaged in off-duty employment shall be subject to the Argyle Police Department Response to Resistance policy (Policy 6.1).

    a. Any use of force, above compliant handcuffing, by the employee shall require the completion of an incident report and an Argyle Police Department Response to Resistance online form prior to the completion of the off-duty work shift. If necessary, officers shall return to the Argyle Police Department following the off-duty shift to complete the necessary documentation.

    b. Notification will be immediately made to the officer's chain of command, up to the Chief of Police, when any incident involving the use of force during an off-duty assignment occurs.

6. An employee engaged in off-duty employment shall carry on his/her person all equipment required for regular police duty, to include a body worn camera.

B. Restrictions on All Off-Duty Employment

1. Work hours are defined as a combination of all hours worked, which includes an officer's regular duty hours, court and grant overtime, and any off-duty employment.

    a. Total work hours are limited to 16 hours in a 24-hour period, and not to exceed 112 hours in a given work week (a work week is defined as 12:01am Sunday to 11:59pm Saturday).

    b. Work performed at the direction of the Chief of Police is the sole exception to the above guideline.

    c. Officers will be held accountable for monitoring their total hours worked in a given day. When submitting an Off-Duty Request, officers will be cognizant the off-duty employment does not conflict with any scheduled court and/or grant overtime causing the officer to exceed the 16 total work hours permitted. If so, officers will adjust their total hours worked by either reducing the time spent working off-duty employment or using their personal leave time.

d. Supervisors will monitor an officer's work hours to ensure the permitted work hours are not exceeded.

2. Employees cannot use earned leave to work off-duty employment when the employment is on a regularly scheduled daily, weekly, or monthly basis or any time it splits their workday. Officers may use earned leave to work non-recurring, one-time only off-duty employment.

3. Employees cannot work at any off-duty employment within 24 hours from the beginning of the shift in which they fail to report for duty due to personal illness or injury.

4. Supervisors will not work in any off-duty capacity where they report directly to a departmental subordinate.

5. Serving as a recruiter, and receiving compensation for, procurement of law-enforcement related jobs for other department employees is prohibited.

6. No employee shall solicit any person or business for the purpose of gaining off-duty employment.

7. Officers engaged in law-enforcement related employment shall be subject to the order of the on-duty law-enforcement supervisor.

8. When testifying in court on matters arising from off-duty employment, officers shall not receive any compensation from an off-duty employer. Officers will be compensated only by the Town of Argyle.

9. No employee shall engage in off-duty employment when the duty or activity would be undignified or would tend to lower the prestige of the department.

10. Permission for off-duty employment may be revoked where it is determined pursuant to written directives that such outside employment is not in the best interest of the department.

11. Officers will not perform off-duty employment in areas outside of Denton County without prior approval from the Chief of Police.

12. Officers will perform only the following types of activity:

    a. Traffic control and pedestrian safety
    b. Crowd control
    c. Security
    d. Routine law enforcement duties for public or private concerns.

13. The acceptance of gifts, gratuities, bonuses, tips, or merchandise in any form from any enforcement related off-duty employer is strictly prohibited. If an off-duty employer is insistent that the gift be accepted, it shall be accepted and within seventy-two (72) hours turned over to the Chief of Police for distribution to an appropriate charity. Meals and lodging provided to participating officers during the detail are considered part of the compensation for that job and not considered a bonus or tip, etc.

IV. REQUESTING APPROVAL TO WORK OFF-DUTY

A. Non-recurring Off-Duty Jobs

1. This portion of this policy applies to non-recurring, one-time only, jobs only.

2. Employees wishing to work off-duty employment shall submit an Off-Duty Request form to the Chief of Police, through the chain of command, for approval **prior** to working the off-duty job.

   a. Submission to the supervisor should be at least 24 hours prior to working the off-duty job.

   b. Supervisors shall note, on the Off-Duty Request form, circumstances requiring approval of off-duty jobs with less than 24 hours' notice.

3. If an officer works any dates or work hours not listed on the approved Off-Duty Request form, he/she must submit a separate form for these dates and/or hours.

4. Each unique address where off-duty work is to be performed shall require a separate Off-Duty Request form.

B. Recurring or Regular Off-Duty Jobs

1. A memo requesting to establish the job location as an approved off-duty location shall be submitted to the Chief of Police, through the chain of command, at least **one week** prior to the first day on which the job is to be worked. On this form the officer shall record the following in order for the location to be considered:

   a. Name of job location including full business name
   b. Full street of address of job location
   c. Contact person for location with current phone number
   d. Full description of duties to be performed at job location
   e. A statement acknowledging review of this policy (4.6 Off-Duty Employment) prior to requesting establishment of the off-duty location

2. Supervisors shall review the memo requesting the establishment of a job location as approved and will fully research the suitability of this location before initialing the memo and writing either "Recommend Approval" or "Do Not Recommend Approval" on the memo prior to forwarding through the chain of command.

3. The Argyle Police Department utilizes the Roll Kall online platform to approve, schedule, and process payment for recurring off-duty jobs. Supervisors shall ensure that the employer has been established within Roll Kall prior to officers beginning work at that location.

4. Establishment of approval to perform off-duty employment at a given location is not permanent and may be revoked at any time by a supervisor of this Department

5. Each unique address where off-duty work is to be performed shall require a separate memo to request employment at that location.

6. Copies of memos requesting the establishment of a location as an approved off-duty location shall be maintained by the Chief of Police.

C. Under no circumstances shall an officer perform off-duty police employment in plain clothes prior to receiving written authorization from the Chief of Police.

D. Approval to work off-duty shall not be granted if:

1. The work involves collecting bills or checks, re-possessing property, or acting as a process server.

2. The work involves domestic difficulties.

3. The work requires performance of non-law enforcement tasks in department uniform.

4. The work requires performance of any activity that supports case preparation for the defense in any criminal or civil action.

5. The work is for any person or entity engaged in a labor dispute or in a political or ideological controversy where the officer's off-duty employment may reasonably be construed as an endorsement or condemnation by the Department of a position taken by either party to the dispute or controversy.

6. A supervisor is placed in a position of working for any lower ranking officer.

E. Other Provisions

1. An officer providing off-duty service in uniform shall not:

   a. Enforce company policies or *house rules* unless the enforcement would constitute a law enforcement activity.

   b. Drink alcoholic beverages, nor drink refreshments in public view that appear to be alcoholic beverages.

   c. Remain present when a private security and/or investigative agency or private individual is conducting either a civil or criminal investigation.

   d. Assist in any investigation by a private security and/or investigative agency or private individual.

2. All officers performing off-duty security or traffic control services are subject to the same rules and regulations (including the General Orders and Code of Conduct) as if they were performing on-duty service.

3. An officer must immediately report to the Chief of Police in writing any incident arising from off-duty service that might adversely affect the Department or the Town. This includes any incident that would require the presence of a police supervisor if it had occurred while the officer was on-duty.

4. Whenever an officer performs any off-duty police service, the officer will ask the off-duty employer to submit a Tax Form 109 or a W-2 Form to the U.S. Internal Revenue Service for the duty performed.

5. Employees accepting any off-duty employment opportunity are required to fulfill their responsibilities as if they were on-duty. This includes, but is not limited to:

   a. Arriving on time.
   b. Completing the scheduled shift.
   c. Performing required duties.

d. Making proper notification by calling the job coordinator and finding a replacement, when employees cannot work their shift.
e. Failure to show up for accepted scheduled shifts may subject the officer to loss of approval to work off-duty at the employer.

V. OFF-DUTY RESPONSE PROCEDURES

A. As in all on-duty situations, officers will be required to take immediate action to protect life and property. Officers must therefore respond to crimes in progress or to prevent breaches of the peace. If time and opportunity permit, this should be done after ensuring on-duty officers are called for assistance.

B. When officers receive requests for assistance concerning non-emergency situations occurring away from their off-duty job location, they will provide assistance by the most practical means available, whether it is assisting a citizen in calling 9-1-1 or personally handling the situation. The officer's guiding principle in any situation will be to ensure that the citizen receives proper and prompt assistance.

C. Officers working off-duty jobs are responsible for ensuring that all reports required for offenses occurring while they are at their off-duty employment location are completed. On-duty officers shall transport prisoners. The off-duty officer is responsible for any arrest and offense reports unless otherwise approved by an on-duty supervisor of the jurisdiction where the arrest was made.

D. Per Texas Code of Criminal Procedure Article 14.03, officers shall, as soon as practicable after making an arrest, notify the law enforcement agency having jurisdiction where the arrest was made. On-duty officers shall transport prisoners.

E. Officers will not enforce by arrest, request, or threat, the provisions of any civil agreement or contract, nor become involved in any other matter which is solely civil in nature.

F. Off-duty arrests shall not be made when the officer's actions further only the interests of the private employer.

VI. SUPERVISOR RESPONSIBILITIES

A. Supervisors, upon receiving an Off-Duty Request, shall:

1. Verify that all information on the form has been completed and is legible.

2. Verify that the request for approval is received prior to the officer beginning work at the off-duty employer.

3. Ensure that the request complies with all sections of this policy.

4. Approve or deny the request.

5. Forward approved requests to the Chief of Police for final authorization.

B. Supervisors shall provide for safety while officers are working on or off-duty. In order to do so, supervisors who are reviewing requests for off-duty employment will consider whether:

1. The number of work hours involved is in accordance with Section III, B, 1.

2. The work would interfere with the employee's assigned duties with the Department.

3. The employee's productivity records are satisfactory.

4. The employee has a high frequency level of complaints.

5. The place of work is frequented by convicted felons.

6. It is suspected illegal activities are being conducted at the place of work.

7. The nature of the activity at the place of work would bring discredit upon the Department.

C. Periodically, or at the request of the Chief of Police, supervisors shall conduct verifications, either via telephone or in person, of off-duty employment to ensure compliance with General Orders.

1. All verification of off-duty employment shall be recorded on the Off-Duty Employment Audit Spreadsheet. This spreadsheet can be found on the computer at: *PDShare/PDSup/Off-Duty Employment Audit Spreadsheet.*

2. The supervisor conducting the verification shall:

a. Complete the Off-Duty Employment Audit Spreadsheet with the date and time the check was conducted. Include the name of the supervisor conducting the verification, as well as the name of the business or individual for whom the employment is performed.

b. Personally speak to an individual at the off-duty job and record his/her name.

c. Determine if the dates worked coincide with the employee's Off-Duty Request form on file.

d. Indicate whether officers were operating within the guidelines of this policy and not any observed violations.

e. If observing a violation, notify the Chief of Police of any corrective actions taken or recommended.

VII. OFF-DUTY EMPLOYMENT WITH PRIVATE BUSINESSES AND INDIVIDUALS, AND PRIVATE INVESTIGATIVE AND SECURITY AGENCIES

A. No member of the Department will engage in any work involving surveillance for any private business or agency, or any private investigative or security company, or any private individual.

   1. In this context, *surveillance* means the act of following a person(s) or vehicle(s) for the purpose of tracking or recording their movement for a possible criminal or civil case or matter.

   2. *Surveillance* as used here does not prohibit:

      a. An officer from monitoring, either personally or via television camera, an individual's movement within a place of business where the officer has been hired to provide theft, burglary, robbery, or vandalism protection.

      b. An officer hired to house sit a residence by a private individual from monitoring any movement on the grounds of the residence.

B. No member of the Department will own or accept employment with any private investigative or security company which is or would be governed by the Private Investigators and Private Security Agencies Act, except that officers may accept off-duty employment to work at businesses to prevent theft, burglary, robbery, vandalism, or to provide traffic control services.

C. Reserve officers whose primary employment is governed by the Private Investigators and Private Security Agencies Act are allowed, as a condition of their employment, to work at businesses to prevent theft, burglary, robbery, vandalism, or to provide traffic control services. Reserve officers are prohibited from conducting private investigations or engaging in any work outlined in section (A) above as their means of primary employment. Reserve officers are prohibited from providing private security services as a security guard, patrolman, watchman, or extra job coordinator.

D. When working in the capacities allowed by (B) above, officers will not wear the uniform of any private security company.

E. No member of the Department will assist in any manner, for pay or gratis, in an investigation, interrogation of witnesses or suspects, or in the recording of any conversations by private investigative agencies, except as an authorized agent of the Argyle Police Department.

F. Unless serving as a representative of the Argyle Police Department, no member of the Department will be present, either on-duty or off-duty, when any private investigative agency is conducting any criminal or civil investigation, interrogating any witnesses or suspects, or recording any conversations.

   1. Prior to working with a private investigator or investigative agency as an Argyle Police Department representative and, if time permits, members will first obtain consent from the Chief of Police.

2. If circumstances prevent obtaining pre-approved consent from the Chief of Police, members will notify the Chief of Police verbally or by memorandum immediately after the activity is concluded.

G. Members of the Department are specifically prohibited from using their employment with the Town of Argyle to obtain for off-duty employers any information to which normally the general public would not have access, or for which the general public would be required to make a formal request through Departmental channels.

H. Should an off-duty employer request a member of the Department provide information or services which could reasonably be construed to create the appearance of a conflict of interest, the officer will:

1. Advise the employer of the potential conflict and that the officer cannot provide the information or services requested.

2. Refer the requestor to a Sergeant or Chief of Police.

VIII. OFF-DUTY POLICE EMPLOYMENT AT LOCATIONS WHERE ALCOHOLIC BEVERAGES ARE DISPENSED OR SOLD

A. Officers may not provide off-duty police service in the employ of a business which derives 51% or greater of its gross receipts from the sale of alcoholic beverages.

B. This prohibition includes, but is not limited to:

1. Working at the front door or inside.

2. Working the business parking lot.

3. Performing traffic control for the location.

C. This policy applies to businesses which dispense or sell alcohol, either on or off premises.

IX. OFF-DUTY POLICE EMPLOYMENT AT SEXUALLY ORIENTED BUSINESSES PROHIBITED

No member of the Department will be allowed to perform off-duty security and/or traffic control services inside, on the parking lot, or in the proximity of establishments that could be classified as a Sexually Oriented Business in nature. In cases where the nature of the business is in question, supervisors shall request clarification from the officer prior to approving off-duty employment applications.

X. OFF-DUTY EMPLOYMENT AT APARTMENT COMPLEXES

A. Officers shall not be allowed to work as *Managers, Assistant Managers, Night Managers,* or *Security* for apartment complexes, including the complex where they may reside.

B. Enforcement Action

1. Officers may act as *Courtesy Officers* for the apartment complex where they reside.

   a. Officers acting as *Courtesy Officers* shall not perform off-duty enforcement activities while in the Argyle Police Department uniform.

   b. When contacted by apartment management or other tenants regarding incidents where a law enforcement response is necessary, officers shall ensure a response by on-duty personnel by either instructing the individual to dial 9-1-1 or personally dialing 9-1-1.

2. Officers, when not on-duty, shall take action only against felony offenders to prevent burglaries, auto thefts, thefts, sexual assaults, and other crimes against persons which, by their very nature and appearance, are a threat to society.

3. Officers shall not enforce Class C Misdemeanors, become involved in family disputes or minor disturbances unless loss of property or bodily injury seems imminent, nor will they enforce on-premise traffic violations. Officers will report those minor infractions and breaches of the peace (not involving bodily injury) that require police action to on-duty police personnel by calling 9-1-1.

C. Officers shall not enforce property management policies (house rules) acting under the color of law (using their badge of police authority or in police uniform).

XI. OUTSIDE EMPLOYMENT – OTHER THAN POLICE DUTY

A. Any member of the Argyle Police Department who owns or operates any private business, works on a commission, percentage, or salary, or receives compensation of any kind from any person, firm, or corporation other than the Town of Argyle, will submit a request to his/her immediate supervisor to engage in the business. The request must be approved or denied by the employee's chain-of-command through the Chief of Police. The form used for this purpose is the *Request for Permission for Outside Employment Other Than Police Duty* (A copy of this form is attached to the end of this policy).

   1. An application requesting permission to operate a business or perform services not pertaining to police duty will be filed prior to entering into such business and must be renewed each January 1 and July 1 thereafter.

   2. A copy of the approved form will be placed in the employee's personnel file.

B. As a general rule, no member of the Department will be allowed to own or operate a place of business in any off-duty capacity where the principal specialty is the dispensing or sale of alcoholic beverages for off-premises consumption, or where alcoholic beverages are dispensed or sold for on-premise consumption. Any exception to this general rule will be by special written permission of the Chief of Police.

C. No officer or employee will engage in any private business or employment where his/her official position might be used to advance personal private interests or to damage the Department's credibility.

D. No officer or employee will engage in any off-duty employment or voluntary capacity as an expert witness for a litigant in a civil case or for a criminal defense attorney or defendant in a criminal case in any jurisdiction without approval from the Chief of Police.

E. The use of Departmental identification/forms which include, but are not limited to: Departmental letterhead, records, insignia, badges, and logos will not be used to seek off-duty employment. This does not prevent an officer from stating that they are an Argyle Police Officer and providing his/her experience/training when providing their information to a prospective off-duty employer.

F. Any officer who teaches law enforcement courses in an off-duty capacity will give a verbal disclaimer prior to any instruction that the subject matter being taught does not necessarily constitute the views and opinions of the Argyle Police Department or Town of Argyle, but the personal opinion and experience of instructing officer.

G. Off-duty employers are permitted to provide Argyle Police Officer's biographical information on official correspondence as it relates to law enforcement course instruction. This information can include the officer's name, title, and position on the Department.

XII. VIOLATION OF OFF-DUTY POLICY

A. Officers and non-sworn personnel are required to notify a supervisor whenever they learn, through personal observation or report, of any violation of the off-duty employment policy by any Departmental employee. The supervisor will immediately:

1. Conduct a review of the circumstances.

2. Initiate an investigation into the alleged violation.

3. If necessary, complete a *Complaint Referral* form and forward it through the chain-of-command to the Chief of Police.

B. Supervisors personally observing a violation will:

1. Take the appropriate action to address the infraction.

2. Determine if the employee needs to immediately discontinue the off-duty job.

3. If necessary, complete *Complaint Referral* form and forward it through the chain-of-command to the Chief of Police.

C. In addition to any appropriate disciplinary action, a Sergeant or the Chief of Police may suspend all of an employee's off-duty employment privileges for any of the following reasons:

1. Any failure to comply with the requirements of the policy on off-duty police employment at locations where alcoholic beverages are dispensed or sold.

2. Depending on the severity of the violation, failure to comply with the off-duty job policy.

3. The officer has received notice from the Chief of Police that, due to related suspension or demotion, he/she is currently prohibited from working off-duty employment.

4. Prior to any act of suspension of an employee's off-duty employment privileges, the Sergeant or Chief of Police will hold a hearing with the employee to allow the employee to present his or her point of view.

XIII. UNIFORMS AT OFF-DUTY POLICE EMPLOYMENT

A. Officers performing off-duty work at locations within Denton County shall wear the regular Argyle Police Department uniform.

1. Officers shall wear the full uniform. No officer shall wear portions of the Argyle Police uniform in conjunction with other apparel. This includes the Argyle Police Department badge.

2. Officers shall not wear or display any insignia, markings, or logos which are not part of the regular Argyle Police Department uniform.

B. Officers shall be required to wear their ballistic vest as part of their uniform.

XIV. USE OF DEPARTMENTAL VEHICLE AT OFF-DUTY EMPLOYMENT

A. Departmental vehicles shall only be utilized at off-duty employment locations within the Town of Argyle, not to include portions of the Town's extra-territorial jurisdiction.

B. Prior to use at any off-duty employment location, approval from the Chief of Police shall be obtained.

C. When vehicles are utilized at off-duty employment within the Town of Argyle, the vehicle shall be:

1. Driven only directly to, and directly from, the off-duty employment location.

2. Parked, with the ignition off, for the entirety of the off-duty employment period.

REQUEST FOR PERMISSION FOR OUTSIDE EMPLOYMENT OTHER THAN POLICE DUTY

Date_____

Employee's Name_____

Title (employee's role in company)_____

Name of Outside Employer_____

Address_____

Type of Business_____ Phone_____

Duties to be performed (Complete and In Detail)

_____

_____

_____

Approximate number of hours to be worked each week: _____

Hours of Employment (Explain how proposed work fits into regular police work schedule):

_____

_____

_____

Is this position temporary? _____ If so, until when? _____

I certify that the above information is true; that I have read the Argyle Police Department rules, regulations, and policy governing outside employment and agree to abide by them; that I will use this permission only for the position and employer stated above; and that the employer named above knows I am an employee of the Argyle Police Department.

Signature of Employee:_____

Approved:

Immediate Supervisor: _____

Chief of Police: _____

	ARGYLE POLICE DEPARTMENT	
	Policy 4.7 Grievance Procedure	
	Effective Date: 17Feb12	**Replaces:**
	Approved: _____ Chief of Police	
	Reference: 2.08.1	

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 accorded 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 or 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. PROCEDURES

Grievance Procedures are outlined in Chapter 8 of the Town of Argyle Employee Manual.

	ARGYLE POLICE DEPARTMENT	
	Policy 4.8 Reserve Officer Program	
	Effective Date: 26OCT20	**Replaces: 7Dec17**
	Approved: _____ Chief of Police	
	Reference: TBP 3.07 and 7.27	

I. POLICY

It is the policy of the Argyle Police Department to maintain the highest standards of professional law enforcement services. The Argyle Police Department shall select reserve police officers based on the same stringent standards which are used to choose full-time officers. Persons who fill reserve officer positions will be expected to perform in a professional manner and will be held accountable to all directives of this department.

Reserve Police Officers should fulfill two primary functions. First, Reserve Officers serve as auxiliary manpower in situations as needed. Second, they provide an additional interactive link between the community and the Police Department.

II. PURPOSE

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

III. RESERVE PROGRAM STANDARDS (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), and shall report any suspension, revocation, or lapse in their TCOLE license to the Chief of Police.

3. The selection process for Reserve Officer applicants are the same as regular officers outlined in Policy 4.1 and 4.2.

B. Training and Performance Standards

1. Reserve Police Officers serve at the discretion of the Chief of Police and may be called into service at any time the Chief of Police or his designate considers it necessary to have additional officers.

2. All Reserve Police Officers are subject to the same rules, regulations, and orders as regular sworn personnel.

3. All active Reserve Police Officers must successfully complete the Police Training Officer Program under the supervision and evaluation of a departmentally approved Field Training Officer.

    a. Reserve officers who have prior law enforcement experience shall work a minimum of 40 hours with an approved field training officer (FTO) within the first two months after appointment.

    b. Reserve officers who have no prior law enforcement experience shall work a minimum of 64 hours with an approved field training officer (FTO) within the first two months after appointment.

4. All Reserve 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 baton and any other equipment deemed necessary.

    c. During the field training program, all reserve officers shall be evaluated during each work shift on the same form as regular full-time officers.

    d. At any time during training, a reserve officer may be referred to the Chief of Police for termination from reserve status with the department due to documented unsatisfactory performance. The final decision to terminate the officer from reserve status shall be made by the Chief of Police. Any reserve officer who is terminated by the Chief of Police shall have no appeal rights and the decision of the Chief of Police is final.

C. Organizational Function

1. The primary function of Reserve Police Officers will be to supplement Patrol Operations personnel.

2. Additionally, Reserve Officers will be on call for assistance in emergency situations such as disasters, riots, etc. and to provide additional manpower for special enforcement assignments.

IV. NOTIFICATION REQUIREMENTS WHEN REPORTING FOR DUTY

Before beginning a tour of duty, reserve officers shall notify the dispatcher that he/she has reported for work and will specify which full-time officer the reserve will be riding with. In cases of emergency where the reserve officer has been pressed into service before he/she can report (e.g., accident scene, disturbances, etc. where the reserve officer happened upon the scene) that officer shall report his/her presence to the dispatcher and the on-duty officer as soon as practicable.

V. RESERVE OFFICERS ON-DUTY STATUS

A. Reserve officers are considered in an "on-duty" capacity:

1. While within the jurisdiction of the Department.

2. Performing "assigned duty".

3. Representing or identifying himself/herself as a Peace Officer for the purpose of taking enforcement action or discharging legal duties.

B. Reserve officers shall always be prepared to act whenever circumstances indicate that their services are required to protect life or property.

C. Argyle Police Department reserve officers serve at the discretion of the Chief of Police and may be called to serve at any time the Chief of Police considers it necessary to preserve the peace and enforce the law.

D. While not in uniform, a reserve officer shall not seek to make an arrest based on minor traffic offenses or Class "C" misdemeanors.

VI. REQUIREMENT TO RIDE WITH FULL-TIME OFFICER

Reserve officers do not regularly work call-answering shifts within the Town of Argyle, are not paid employees of the Town of Argyle, and do not attain the same level of experience and training as full-time officers. For these reasons, no reserve officer shall be assigned to a call answering shift as a single person unit. Reserve officers shall be assigned to patrol as part of a two-person unit with a full-time Argyle Police Officer. This requirement does not apply to assignments that consist of traffic control only.

VII. ISSUANCE OF POLICE UNIFORMS AND EQUIPMENT

A. Reserve officers shall be provided one (1) uniform, which consists of one (1) pair of pants and one (1) shirt. Reserve officers are responsible for the purchase of all other uniforms and equipment necessary to perform police duties. All uniforms and equipment must conform to the Argyle Police Department standards and must be approved prior to purchase.

B. Reserve officers shall not be issued firearms by the Department, but may purchase their own firearms and ammunition, with the following requirements.

1. Reserve officers shall be governed by Argyle Police Department General Order 6.2 – Firearms.

2. Reserve officers shall only carry firearms chambered in 9mm while on duty.

3. Prior to being carried on duty, any weapon shall be approved by the Department firearms instructor and the weapon's serial number shall be recorded by the Department.

4. The approved pistol round for the Argyle Police Department is the Hornady 135 grain Critical Duty +P bullet.

C. Reserve officers shall be responsible for any damage to city-owned equipment which is used during their duty hours, where the damage is due to purposeful misuse or employee negligence. This includes police radios, vehicles, or any other items which are made available for use by the Argyle Police Department.

VIII. MONTHLY HOURS REQUIREMENT

Each Argyle Police Department reserve officer must work a minimum of 16 hours per month.

A. A reserve officer may choose to work two 8-hour shifts, or may break his/her time into several smaller shifts of at least 4 hours during the month.

B. To avoid a situation where reserve officers are on duty at the same time, each reserve officer shall schedule their duty hours with an Argyle Police Department supervisor at least 7 days in advance.

C. These requirements may be waived for officers who provide other, specific services to the department, as approved by the Chief of Police.

IX. DISCIPLINARY ACTION FOR FAILURE TO MEET REQUIRED HOURS

Any reserve officer who does not maintain the minimum requirements of a reserve officer as set forth in Section VIII for any two consecutive months may be suspended from the department pending an administrative review. Possible actions resulting from an administrative review are:

A. Officer is exempted due to emergency circumstances or the discretion of the Chief of Police, or

B. Officer is placed on probation for 90 days, or

C. Termination of reserve status with department, or

D. Other discipline as determined by the Chief of Police.

X. REINSTATEMENT FOLLOWING TERMINATION

A. Reserve officers who have been terminated for violation of Section VIII shall not be eligible for reinstatement with the department for a period of one year, beginning on the date of their termination. At the conclusion of this one year period, officers who reapply for a position with the Department may be required to go through all or part of the hiring process and shall be considered only if a position is available.

B. Officers who are reapplying for a position following a termination for violation of Section VIII shall be required to pay for all medical examinations, drug tests, and psychological testing that may be required by the State.

C. This policy applies only to officers terminated due to violation of Section VII and does not apply to officers terminated under any other circumstances.

XI. PROBATIONARY PERIOD

Individuals appointed as reserve officers shall serve an 18-month probationary period. The purpose of this probation is to allow the department to evaluate the work of the officer, and to allow the reserve officer time to become familiar with the operational policies of the department. The Chief of Police may extend any portion of the probation period if he/she feels that the officer shows a need for further training. No probation period may be extended unless the reserve officer has been notified in writing of the terms of the extended probation, and of the specific problems or areas in need of improvement.

XII. OFF-DUTY EMPLOYMENT

Reserve officers shall not work any police-related off-duty employment. This includes employment as uniformed or plain clothes security, or any other employment which is dependent upon the officer's status as a member of the Argyle Police Department.

	ARGYLE POLICE DEPARTMENT	
	Policy 4.9 Chaplain Program	
	Effective Date: 04APR21	**Replaces:**
	Approved: Chief of Police	

I. POLICY

It is the desire of the Argyle Police Department to provide all necessary support for all employees. This support will include providing officers emotional and/or spiritual support, where desired by the employee, in the form of the police chaplain.

The Argyle Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

II. PURPOSE

This policy establishes the guidelines for Argyle Police Department chaplains to provide counseling or emotional and/or spiritual support to members of the Department, their families, and members of the public.

III. ELIGIBILITY

The requirements for participation as a chaplain for the Department include, but are not limited to:

A. Character that is above reproach with the traits of temperance, integrity, prudence, courteousness, discretion, reliability, and freedom from dependence on alcohol or other drugs.

B. Managing his/her household, family and personal affairs well.

C. Having a good reputation in the community.

D. Successful completion of an appropriate-level background investigation.

E. Prior experience counseling or guiding others.

F. Possession of a valid driver's license.

G. The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the unique qualifications of the individual candidate.

E. Chaplains will serve as a resource for Department members who are dealing with the public during significant incidents (e.g., accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse).

F. A Police Chaplain will be assigned to the Chief of Police in such cases of an Officer involved shooting, death, or serious bodily injury. A Police Chaplain will accompany the Chief of Police when making any family notifications concerning the death or serious injury of an officer.

G. Attending Department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

H. Participating in in-service training classes.

I. When requested, attending and participating in funerals of active or retired Department members.

J. Chaplains, when engaged in a service call, will identify themselves verbally and by displaying identification provided by the Department.

K. Chaplains shall be permitted to ride with officers during any shift and observe Argyle Police Department operations, provided a supervisor has been notified and the appropriate waiver has been signed and notarized.

L. While riding along or when on the scene of a police incident, Chaplains shall display the police chaplain identification card conspicuously on the exterior of their clothing. As representatives of the Department, Chaplains shall present a professional image to the community.

VI. RESTRICTIONS

A. Chaplains shall become involved in domestic situations only when the investigating officer's supervisor feels the Chaplain's services may be of help to the family involved.

B. Chaplains shall not attempt to convert, proselytize, or bring into their religious affiliations members of the Department, or the general public while they are assisting or riding along with the Department, unless a person requests information about the particular faith of the Chaplain.

C. When responding to a service call by vehicle, the Chaplain will observe all traffic regulations.

D. When responding to incidents, a Chaplain shall never function as an officer.

E. When responding to an in-progress call for service, Chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

IX. TRAINING

The Department will establish a training program and minimum number of training hours for Department Chaplains. The training, as approved by the Chief of Police or designee, may include:

A. Stress Management

B. Death Notifications

C. Symptoms of post-traumatic stress

D. Burnout for members of law enforcement and chaplains

E. Legal Liability and confidentiality

F. Ethics

G. Responding to crisis situations

H. The law enforcement family

I. Substance abuse

J. Suicide

K. Officer injury or death

L. Sensitivity and diversity

M. The location of basic life saving tools in the police vehicle and basic application of these tools

	ARGYLE POLICE DEPARTMENT	
	Policy 4.10 On-Duty Exercise	
	Effective Date: 22APR21	**Replaces:**
	Approved: Chief of Police	
	Reference:	

I. POLICY

The Argyle Police Department knows that physically fit officers are more efficient, less likely to become injured, and more healthy during their careers. The Department believes in providing the tools necessary to keep each of its officers in peak condition to perform their job functions so we may provide first-rate service to citizens. To this end, the Department will allow officers time on-duty to exercise. Exercise provided for and performed in accordance with this policy is **not mandatory.**

II. PURPOSE

The purpose of this order is to establish the regulations governing voluntary on-duty exercise by officers.

III. OFFICER READINESS

A. Officers shall, at all times, maintain a level of readiness to respond to police incidents or any other call/request for service from citizens. Officer shall respond immediately to calls for service and will not postpone their response to complete a workout.

B. Officers shall not completely remove their uniform or find themselves in a state of dress where they cannot quickly return to a fully uniformed and ready posture. Officers must wear a shirt at all times when working out.

C. Officers shall remain in constant contact with dispatch, including notifying dispatch that they are engaged in working out under this policy. Officers shall be alert and able to hear their police radio at all times.

D. Officers shall place themselves on a "Station" (STA) mark out either on their MCT or via radio with dispatch prior to beginning their work out.

IV. LIMITATIONS

A. Officers who wish to exercise during the workday may be granted up to thirty (30) minutes per shift. Allotted workout time is non-cumulative and may not be carried

over onto another shift and may not be combined with other breaks or taken during the first or last hour of the officer's assigned shift.

1. Officers responding to a call for service or citizen request for service during their workout may return to complete the workout once the call or request has been handled in accordance with Argyle Police Department policies and procedures.

B. Except where a field training officer (FTO) and his/her trainee work out together, only one (1) officer may workout at a time during a shift.

C. On-duty workouts may only be completed at the Argyle Police Department at either the designated exercise room or behind the police station in the sally port area.

D. No additional compensation will be provided for officers who engage in exercise off-duty and Town provided exercise facilities are reserved for on-duty use only.

E. Under no condition should on-duty exercise be used to accumulate overtime or compensatory time unless first approved by the Chief of Police or his designee.

F. Access to the designated exercise room and use of the provided exercise equipment is restricted to Argyle Police Department officers.

V. OFFICER SAFETY

A. Equipment Use – Officers are to use the provided workout materials and equipment in the manner they are intended. Officers are to read and follow any instructions that may be posted with the exercise equipment. Officers have a duty to report broken or non-functional equipment.

B. Officers are to use the provided disinfecting wipes and/or paper towels and disinfectant before and after exercising at each location/station/piece of equipment.

	ARGYLE POLICE DEPARTMENT	
	Policy 4.20 Mental Health Leave	
	Effective Date: 01SEP21	**Replaces:**
	Approved: Chief of Police	
	Reference:	

I. POLICY

The Argyle Police Department understands that the police profession can take a toll on the well-being of officers, both physically and mentally. The Department will provide mental health leave to officers to promote and support the maintenance of officers' healthy state of mind while at work and at home.

II. PURPOSE

The purpose of this order is to establish mental health leave as mandated by Section 614.015, Government Code.

III. DEFINITIONS

A. **Law Enforcement Agency** – An agency of the state, or an agency of a political subdivision of the state, authorized by law to employ peace officers.

B. **Peace Officer** – An individual having met all requirements established by law, possessing a valid license through the Texas Commission on Law Enforcement (TCOLE), and having been appointed by the Argyle Police Department as a police officer.

C. **Scope of Employment** – An activity of any kind or character that is associated with and originates in the work, business, trade, or profession of the employer and that is performed by an employee while engaged in, or about the furtherance of, the affairs or business of the employer.

D. **Identified Traumatic Event** – A traumatic event means exposure to actual or threatened death, serious injury or sexual violence which is experienced by a peace officer in the scope of the officer's duties by:

1. directly experiencing the event.
2. witnessing, in person, the event as it occurred to others.
3. experiencing repeated or extreme exposure to aversive details of the event.

IV. ELIGIBILITY AND APPLICABILITY

A. This policy is applicable to all individuals who are employed as peace officers within the Argyle Police Department and allows for the use of mental health leave for employees who experience a traumatic event in the scope of employment.

B. Examples of traumatic events occurring within the scope of employment which might have an adverse effect on a peace officer's mental health include, but are not limited to, the following:

1. An officer involved shooting.
2. An investigation by a peace officer concerning the death of an individual.
3. An investigation by a peace officer concerning the abuse of an individual.
4. The death, serious injury, or catastrophic illness of a co-worker.
5. Repetitive or prolonged exposure to events involving violence, injury, or emotional stress.

V. PROCESS

A. A peace officer, or the peace officer's supervisor on their behalf, may request mental health leave in writing via the "Request for Mental Health Leave" form on the intranet.

1. The employee must specify on this form the nature of the traumatic event leading to the request for mental health leave.
2. This form shall be submitted electronically or printed once completed and shall be submitted directly to the Chief of Police.
3. This form shall be forwarded to the Director of Human Resources and/or the Town Administrator and members of the officer's chain of command and the Town's administrative staff as necessary to effectuate the leave.

B. Peace officers are eligible for up to three regular workdays (36 hours) of mental health leave, per identified traumatic event, as approved by the Chief of Police and the Director of Human Resources when based on the advice of a medical professional. Leave requested under this policy cannot be taken intermittently and does not accrue.

1. The Department shall make available resources such as an Employee Assistance Program (EAP) or a psychologist and may refer the peace officer to one of these resources on a voluntary basis.
2. Any leave beyond the initial three workdays will require the use of the peace officer's accrued leave and will require a written request to the Town Administrator accompanied by a recommendation or directive from the employee's health care provider. The Town Administrator may extend or deny the mental health leave request based on whether the additional leave creates an unreasonable hardship to the department or organization as a whole.

C. A denial of a mental health leave request must be made in writing. If an employee wishes to appeal the denial of a mental health request by the Chief of Police, they may do so in writing to the Director of Human Resources within three (3) business days. An employee may appeal the decision of the Director of Human Resources to the Town Administrator in writing within three (3) business days of receiving the denial.

D. Approved leave will be paid leave which will not cause a deduction in salary or utilize accrued leave balances.

E. As a requirement of returning to work, the Town may request the employee to submit to a fitness for duty evaluation.

VI. SUPERVISOR RESPONSIBILITIES

A. Supervisors should remain aware of the nature of calls and incidents responded to by the peace officers under their charge. Supervisors should identify potential traumatic events and ensure that peace officers are supported after experiencing these events.

B. Supervisors should meet regularly with officers to gauge their physical, emotional, and mental well-being consistent with that of a reasonable peace officer. If a peace officer has experienced a potential traumatic event, supervisors should meet as soon as practicable with that officer to determine whether mental health leave under this policy would benefit the peace officer. For example, Supervisors who observe an officer's speech or behavior to indicate the officer may be a danger to themselves or others may recommend leave under this policy. In the event a supervisor determines the peace officer would benefit from mental health leave under this policy, the Supervisor may make a recommendation to the Chief of Police. Recommendations should be in writing and consistent with the directives and definitions included in this policy.

C. Supervisors should also assist officers, if necessary, in completing the "Request for Mental Health Leave" form and in seeking the assistance of Town provided resources or members of the Department chaplain program.

VII. ANONYMITY

A. Status of the peace officer, if mental health leave is granted, will only be conveyed to necessary members of the Human Resources Department for processing, the Chief of Police, the officer's chain of command and the Town Administrator.

B. Approved leave and the nature of the requested leave will not be reflected, expressed, or conveyed to employees outside of those listed above, except as necessary to process the mental health leave request.

C. Mental health leave by a peace officer will be kept confidential to the extent required by law. Employees may waive the confidentiality of leave by electing to discuss, disclose or share details of their leave with members of the department or Town's staff or with members of the general public.

	ARGYLE POLICE DEPARTMENT
	Policy 4.30 Medical and Psychological Examination of a TCOLE Licensee
	Effective Date: 11DEC24 **Replaces:**
	Approved: _____ Chief of Police
	Reference:

I. POLICY

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

II. PURPOSE

Ensuring that each member of this Department's mental and physical fitness for duty is essential for the safety and welfare of the members of this department and the community we serve. The purpose of this policy is to ensure that all members of this department remain medically and psychologically fit for duty and able to perform their essential job duties.

III. MEMBER RESPONSIBILITIES

A. It is the responsibility of each member of this department 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 any member of this department believes that another department member is unable to effectively perform their duties, such an observation 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, either verbally or in writing, of instability;
4. Reports from other member(s) of the department or general public of irrational conduct or instability;
5. Inappropriate use of alcohol or other substances, including prescribed medication;
6. A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions; or
7. Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

C. Supervisors shall maintain the confidentiality of any information consistent with this policy or applicable law.

V. REPORTING

A. A supervisor who, through direct observation or other reliable evidence, has reason 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 privately 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 member's direct supervisor and the Chief of Police.

VI. DUTY STATUS FITNESS-FOR-DUTY EXAMINATION

A. Supervisors within the member's chain of command, up to the Chief of Police, 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 reason 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 department policy.

E. The Chief of Police shall be immediately notified if any member is relieved of duty.

VII. FITNESS-FOR-DUTY EXAMINATION

A fitness-for-duty examination (FFDE) may be ordered whenever circumstances reasonably indicate that a member is unfit for duty.

VIII. DEFINITION OF A FFDE

A. An FFDE is a formal, specialized examination of an incumbent member that results from:

1. Objective evidence that the member may be unable to effectively perform a defined job function; and

2. A reasonable basis for believing that the cause may be attributable to a medical or psychological condition or impairment.

B. 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.

VIX. THRESHOLD CONSIDERATIONS FOR AN FFDE

A. A fitness-for-duty examination (FFDE) may be ordered whenever circumstances reasonably indicate that a member is unfit for duty.

B. Referring a member for an FFDE is appropriate 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.

C. **An objective basis is one that is not merely speculative but derives from direct observation or other reliable evidence.**

D. 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.

E. The examiner should strive to remain impartial and objective and to avoid undue influence by any of the parties involved in the case.

F. Mental health professionals should refrain from rendering fitness-for-duty opinions when they are not conducting an FFDE

X. PROCESS FOR NON-SWORN PERSONNEL

A. The Chief of Police, in cooperation with the Town 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 department policy.

B. To facilitate the examination of any member, the department 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 department 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. The initial report constitutes the final determination, unless the member or the Chief of Police questions the practitioner's report. A second examination may be ordered by the appropriate authority if the member, or the Chief of Police, questions the practitioner's report within 30 days of the date the initial report is issued. The second 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 practitioner performing the second examination agrees with the report of the initial practitioner, no additional examination will be performed, and the second report is the final determination. If the report of the practitioner performing the second examination disagrees with the report of the initial practitioner, the final determination as to the member's fitness shall be decided in accordance with Town policy.

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.

H. The results of a fitness for duty evaluation may not be used to escape responsibility for improper behavior, as defined by the Argyle Police Department Policy Manual and Standard Operating Procedures, Town of Argyle Employee Handbook, Town Ordinances, and state or federal law.

XI. PROCESS FOR PEACE OFFICERS

A. The chief of police, in cooperation with the Town 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 or policies.

B. The chief of police shall provide written notice of the examination to the officer 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 department will provide all appropriate documents and available information.

D. The examining practitioner will provide the department 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 or the chief of police 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 practitioner performing the second examination disagrees with the report of the initial practitioner, the final determination as to the officer's fitness shall be decided in accordance with Town policy.

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.

I. The results of a fitness for duty evaluation may not be used to escape responsibility for improper behavior, as defined by the Argyle Police Department Policy Manual and Standard Operating Procedures, Town of Argyle Employee Handbook, Town Ordinances, and state or federal law.

XVII. DEPARTMENT'S RESPONSIBILITIES TO NOTIFY TCOLE

A. **License Holder**: A Texas County Jailer, Peace Officer, or Telecommunicator.

B. The chief of police 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 of police shall notify TCOLE if a license holder fails to submit to an examination within the deadline set by the department. This notification shall be in writing and submitted to TCOLE within 30 days after the deadline set by the department has expired.

D. The chief of police 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.

XVIII. 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.

XIX. RESOURCES FOR MEDICAL AND PSYCHOLOGICAL EXAMINATIONS

A. *2018 Psychological Fitness-for-Duty Evaluation Guidelines from the International Association of Chiefs of Police (IACP)*

B. *The American Psychological Association (APA) Professional Practice Guidelines for Occupationally Mandated Psychological Evaluations*

C. *2017 American College of Occupational and Environmental Medicine Guidance for the Medical Evaluation of Law Enforcement Officer*

	ARGYLE POLICE DEPARTMENT	
	Policy 5.1 Departmental Records	
	Effective Date:16JUN21	**Replaces: 08MAY17**
	Approved: Chief of Police	
	Reference: TBP 5.01, 5.02 5.03 and 10.02.	

I. POLICY

The Records Unit 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 room is a restricted area. The Records Custodian to the Police Department will be provided training in Law Enforcement Records Management, TCIC/NCIC Less Than Full Access and the Public Information Act.

B. The police records room is restricted to assigned personnel only.

C. The records room will be secured and locked when no one is present.

D. Personnel authorized by the Chief of Police may have access to the records room after hours for need to know information only.

E. All records, with the exception of criminal histories, will be stored in the RMS system. Documents relating to an incident will be uploaded to it's respective case in RMS. The records room will hold hard copies of juvenile and sex offender related incidents only. These hard copies will be stored separately from each other.

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 noncriminal 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 an incident occurring within the town service area that requires the initiation of police activity, they will assign an incident number generated by the CAD (Computer Aided Dispatch) system.

2. Case numbers will be assigned in numerical order.

3. When an incident is assigned a CAD number, the following information regarding that incident will be entered into the CAD system by dispatch personnel:
    a. Date and time of the initial reporting
    b. Name and address of the complainant or victim requesting the service (if known).
    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 reports and submit them to a supervisor prior to ending their shift.

2. Supervisors will review all reports for accuracy and completeness.

3. Reports returned to officers for correction will be documented by the supervisor and the supervisor shall follow up on the following shift to ensure the report has been corrected and submitted.

D. Juvenile Records (TBP: 10.02)

1. A file is maintained on each juvenile (age under 17) arrested, referred or detained by an officer. The file includes all documents associated with the contact as indicated in this section. 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 Denton County.

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. Requests of this nature are to be referred to a supervisor.

V. DISTRIBUTION OF REPORTS AND RECORDS

A. The distribution of reports to the various specialized organizational components within the agency is dependent on the particular type of report. After reviewing the reports for completeness, the patrol supervisor will forward all reports to CID by

assigning the case in RMS. CID will process and give the reports to the CID Admin after investigation for proper filing within RMS. The CID Admin will then file the case with the appropriate court if applicable and then close the case within the system.

B. Original witness statements are given to the Records Custodian who will scan them into the case in RMS. The original of the document is then given to the Property and Evidence Technician who will place the original copy in the assigned location inside the Property and Evidence room. When the case is finished, or the statute of limitations runs out, the Property and Evidence Technician requests the appropriate approval for destruction. All other hard copies, except criminal histories, belonging to the case will be given to the Records Custodian who will upload the documents into the appropriate case in RMS. Once uploaded all hard copies are destroyed.

C. 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 Administrative Assistance for filing whenever additional information is processed (if not added through the RMS).

VI. RECORDS RETENTION AND DESTRUCTION (TBP: 5.02)

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

B. Accident Reports:-Accident reports are submitted through the CRIS system and are automatically uploaded to the state of Texas. All requests for accident reports will be the directed to the Texas Department of Public Safety website where the requestor may purchase a copy of the report.

C. 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 maintained in RMS until a report of death of the arrestee or a period of seventy-five years.

D. Juvenile Arrest Files: (TBP: 10.02)

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.

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

VII. NATIONAL INCIDENT BASED REPORTING SYSTEM (NIBRS)

A. It is the responsibility of the Records Custodian to the Police Department to complete the monthly NIBRS and Department Crime Report in a timely manner.

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

VIII. 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 gathered and then referred to the Chief of Police or his designee.

C. All arrest files which are maintained in the Report Management System, and juvenile and sex offender files which are maintained in hard copy, will be the

responsibility of the Records Custodian. Copies of files will only be released to persons authorized below:

1. Personnel of this department.
2. Sworn officers from other agencies if needed for official business.
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.

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

E. 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 Unit.

F. 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 the Town of Argyle. State or Federal Criminal History inquiries are made directly to those agencies by the individual.

	ARGYLE POLICE DEPARTMENT	
	Policy 5.2 Media and Public Information	
	Effective Date:08/01/2011	**Replaces: GO 0107**
	Approved: _____ Chief of Police	
	Reference: TBP 5.03.1 and 5.04.1	

I. POLICY

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

II. PURPOSE

To establish guidelines regarding media relations and the release of information to the public through the news media.

III. RESPONSIBILITIES IN RELEASING INFORMATION

A. The Chief of Police may designate any member of the department as the Public Information Officer (PIO) for the department. The PIO is the primary contact for the news media. In the event no PIO is designated or is unavailable, the Chief of Police is responsible for PIO duties.

B. Supervisors with responsibility for a specific case or incident may be the secondary contact for the news media with the approval of the PIO.

C. The Chief of Police or supervisors may direct other employees to respond to media inquiries.

IV. TRAINING

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

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

V. PROCEDURES

A. Media 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 PIO. 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. The Chief of Police or PIO shall be responsible for assisting the news media by conducting interviews or coordinating interviews with other qualified agency personnel. 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 may be written and disseminated to the media and to agency employees on major incidents and events of community interest or concern.

D. News Conferences

1. News conferences may be held 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. The Chief or PIO designee, may grant closer access to news personnel and their equipment, to the degree that it does not interfere with law enforcement operations.
3. No member of this agency shall prohibit the media from news-gathering practices, including photography and interviews, outside the established perimeter.
4. News media representatives shall not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only

consideration, the scene commander shall advise the media representative of the danger and allow the media representative to make the decision to enter on his or her volition.

5. Only the Chief or scene commander shall release information to the news media at crime and critical incident scenes. At critical incident scenes, the Chief or scene commander shall establish a media briefing area as close to the scene as safety and operational requirements allow.
6. 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 him or her 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 PIO or designee for the lead agency shall share that information with all involved agencies in advance of public dissemination.

VI. INFORMATION RELEASE GUIDELINES

A. The release of information is subject to restrictions placed by applicable state, and federal laws. 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 can release the following information:

1. Basic information about a crime or incident
2. Basic information about victims, except as excluded by law
3. Description of suspects
4. Basic description of weapons and vehicles used
5. Basic description of stolen items
6. Basic description of injuries and condition of victims
7. The name, age, address, and other basic information about arrestees and the charges against them
8. Information contained in arrest affidavits and other applicable crime or incident reports
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 investigator deems it permissible
6. Grand jury testimony and proceedings
7. Active internal affairs investigations, as governed by state law
8. Names of witnesses, unless required by state law
9. The identity of critically injured or deceased persons prior to notification of next-of-kin
10. Home address, telephone numbers, and familial information of law enforcement personnel
11. Names of undercover personnel
12. Any other information that could jeopardize the successful conclusion of an investigative and prosecution
13. Any other information prohibited by state law from public disclosure.

	ARGYLE POLICE DEPARTMENT
	Policy 6.1 Response To Resistance
	Effective Date:11NOV21 | **Replaces: 18JUN20**
	Approved: Chief of Police
	Reference: 3.01, 3.02, 3.04, 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, 6.09, and 6.10.

I. POLICY

It is 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. Where there is no apparent need to take a suspect into immediate physical custody, officers should utilize tactics designed to de-escalate the situation and facilitate a safer resolution whenever reasonably possible. Given no policy can predict every possible situation, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident.

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.

III. DEFINITIONS

A. Control: The force an officer uses to influence or neutralize a non-compliant subject.

B. Objectively Reasonable

1. Objectively Reasonable: 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, skill level with department weapons, other training

and experience, state of health including level of exhaustion, the number of officers opposing the number of suspects or other exigent circumstances. "Reasonableness" is subject to review and determination by the chain of command.

C. Reasonable Alternative: An action that may be taken by the officer that may allow the officer to avoid the use of deadly force.

D. Resistance: A subject's non-compliance to the officer. The amount and type of resistance varies based on a number of factors.

E. Response Continuum:

1. Is a concept used in incident handling that simultaneously recognizes the level of subject resistance encountered and the level of control required for the situation.

2. Is an overview that does not direct an officer on how much control to use in a particular situation.

3. Gives direction in the escalation and de-escalation of resistance and the escalation and de-escalation of control necessary in police incidents.

4. Explains that many variables are involved in situations where an officer must control a subject.

F. Serious Bodily Injury: Bodily injury that creates a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

IV. LEVELS OF SUBJECT RESISTANCE

A. Psychological Intimidation: Non-verbal clues indicating the subject's attitude, appearance, and physical readiness.

B. Resistive Dialogue: Verbal responses indicating unwillingness to comply with the officer's commands, or threats by the individual.

C. Passive Resistance: Physical actions that do not attempt to defeat the officer's attempt to control. The subject will not voluntarily comply with verbal and physical attempts of control.

D. Defensive Resistance: Physical actions to impede arrest by attempting to prevent the officer's control but does not involve attempts to harm the officer. This means there has been physical contact between the officer(s) and subject. Simply running from officers who have not made any previous physical contact with the subject does not constitute defensive resistance.

E. Active Aggression: Physical actions of assault toward the officer. This includes a subject who attempts to attack, or who grabs, punches, kicks, and/or wrestles with the officer, or a subject who displays an obvious imminent intent to attack, grab, punch, kick, and/or wrestle with the officer.

F. Aggravated Aggression: Force which in the manner of its use or attempted use reasonably creates a substantial risk of death or serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

V. LEVELS OF CONTROL

A. Officer Presence: Bearing, confidence, poise, and perceivable effectiveness assisting the officer in incident interaction. Officer presence includes two essential elements which are implemented to control the situation from the onset:
   1. Cognitive Skills: Information, such as law and procedures, which gives the officer a foundation of preparation for incident interaction.
   2. Tactical Control: Use of skills and techniques, such as tactical approach, to avoid confrontation and minimize risk; use of cover support; tactical disengagement, and tactical withdrawal.

B. Verbal Control: Communication skills used by an officer to enhance de-escalation of the incident during interaction with the individual (Ex. Commands of direction, control, or arrest).

C. Empty Hand Control: Empty hand control techniques depend upon the level of subject resistance. The categories of empty hand control are:
   1. Soft empty hand control (Techniques with a low probability of injury): Joint Locks, Pressure Points, Handcuffing. Note: If handcuffing is used as a control technique and the subject is subsequently not taken into custody, an incident report, titled "Field Release", must be completed and forwarded through the chain of command.
   2. Hard Empty Hand Control (Techniques with a probability of injury): Defensive Counterstrikes, Takedowns, Brachial Stuns, and the use of personal weapons, i.e.: hands, feet, etc.
      a. Oleoresin Capsicum (OC) Spray
      b. Conducted Energy Weapon (CEW)

D. Intermediate Weapons: Use of intermediate weapons is justified for situations when the officer believes empty hand control shall be ineffective, inappropriate, or when empty hand control has already failed. Department authorized batons are considered intermediate weapons.

E. Less-Lethal Force: Force employed which is neither likely, nor intended, to cause serious bodily injury or death. Deployment of the less-lethal shotgun would fall at this level of control.

F. Deadly Force: The use of physical control that creates a substantial risk of causing death or serious bodily injury.

VI. PROCEDURES

A. Use of Physical Control Techniques

1. The use of physical control techniques must be examined from two perspectives: resistance (Subject) and control (Officer). Both resistance and control can be in the form of verbal directives or physical action.
2. Where deadly force is not authorized, officers may use only a level of force which is objectively reasonable to bring an incident under control. (TBP: 6.01)
3. Officers are authorized to use department-approved control 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 a 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. Because of the low probability of penetrating a vehicle with a handgun, firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. If an officer reasonably believes 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. Officers will not voluntarily place themselves in a position in front of an oncoming vehicle where deadly force is a probable outcome.
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 deadly force can be used without harm to the officer or others. In these circumstances, a supervisor should be contacted prior to the use of deadly force if time permits.
5. At the point when an officer should reasonably perceive the potential exists that deadly force may be an outcome of the situation, the officer must use reasonable alternatives if time and opportunity permits. The reasonableness

of the action is based upon the time available, the opportunity of performing the action, and the facts apparent to the officer prior to and during the incident.

VII. 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 the officer reasonably believes such holds are the only means of protecting himself or herself or another person from an imminent threat of serious physical injury or death **and** the use of deadly force would be authorized.

1. Any officer using such force will cease immediately upon control of the subject (normally when the person has been handcuffed or is no longer actively resisting).

2. Officers will, upon the subject being subdued, immediately:

   a. Place the individual in a position to facilitate breathing and blood flow; and
   b. Request medical personnel to respond to the location. Officers will render appropriate life sustaining aid until the arrival of medical personnel.

3. Officers shall promptly notify a supervisor and document the use of the choke hold or carotid control hold in both a Response to Resistance supplement and an incident or arrest report.

B. Use of Streamlites or Kel-lites or other flashlights as batons. An officer may use a flashlight or other object designed for a use other than as a weapon only to defend himself or herself or another from imminent serious bodily injury or death and then only if departmentally sanctioned methods are not available or are impractical. The use of a flashlight or other alternative weapon under such circumstances, depending on the manner of use, may be deemed an application of deadly force.

VIII. 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 Response to resistance 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 Response To Resistance 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 with the exception of a Conducted Energy Weapon (CEW) and the less-lethal shotgun in which annual certification is required.

F. Officers are exempt from training for non-lethal weapons they do not carry. However, officers shall not carry any non-lethal weapon for which they have not been trained in its use. (TBP: 3.04)

G. All Response to Resistance training shall, at a minimum, comply with the standards established by Texas Commission on Law Enforcement.

IX. 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 recreational activities.

B. If officers have employed any use of physical control (other than the use of a firm grip to direct the movements of a subject) or used any impact, electrical, or chemical weapons, or pointed or discharged any firearm, they shall first provide for appropriate medical aid for the subject (TBP: 6.07) and then:

1. Immediately notify your supervisor of any use of force or discharge of a weapon. The supervisor 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 Response to Resistance supplement to the Chief of Police via the chain of command prior to the end of shift describing the incident, the force used, and any medical aid rendered. The Response to Resistance form shall be in addition to any other required reports.

X. DUTY TO INTERVENE

A. Any employee, sworn or non-sworn, present and observing any employee, regardless of rank, using force that is clearly beyond that which is objectively reasonable under the circumstances shall, by verbal and/or physical means, safely intervene to prevent the use of excessive force. Examples of force that would require an officer's intervention may include, but are not limited to:

1. Use of choke holds [in any situation where deadly force would not be authorized]

2. Using force against a handcuffed or otherwise restrained or subdued suspect
3. Leaving a secured suspect in a prone position in any fashion that restricts breathing or blood flow; or
4. Any use of force in violation of this department's policy.

B. Employees shall promptly report observed instances of objectively unreasonable force **in writing** to a supervisor. The obligation to report remains in place even if the officer is successful in intervening in the use of excessive force.

C. Employees, regardless of the employee's tenure, rank, or position, shall NOT face ridicule, retribution, discipline, or other punitive action as a result of their reporting objectively unreasonable force

D. Any failure to intervene and/or a failure to report improper use of force shall be grounds for discipline.

XI. DEPARTMENTAL REVIEW

A. Review

1. The officer's supervisor(s) 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 or his designee, shall conduct an analysis of use-of force incidents 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 or the authorized destruction of an animal). 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 6.4.

C. Assignment

Pending administrative review, any officer whose actions have resulted in the death or serious bodily injury of another person, either through the intentional use of force or by accident involving a use of force 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)

	ARGYLE POLICE DEPARTMENT	
	Policy 6.2 Firearms and Qualification	
	Effective Date: 25APR23	**Replaces: 7DEC20**
	Approved: _____ Chief of Police	
	Reference: 3.01, 3.02, 3.03, and 6.04.	

I. POLICY

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

Officers shall abide by the following basic safety rules at all times when handling a firearm of any type:

A. Treat all firearms as if they are loaded

B. Be sure of your target and background

C. Keep you finger off the trigger, and outside of the trigger guard, until you are on target and prepared to fire

D. Keep the weapon pointed in a safe direction at all times when it is deployed, and you are not actively engaging a threat. A "safe direction" is defined as one where, should you have an accidental discharge, no human injury and only minimal property damage would occur

IV. 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)

1. 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 Shadow Systems DR920 chambered in 9mm as the standard duty firearm for officers. Other weapons that are approved for on-duty, off-duty or back-up use are listed on a document maintained by the armorer as approved by the Chief of Police.

2. The Department currently issues the Safariland 6360 holster for carry of on-duty weapons. Weapons equipped with a pistol optic will be holstered in a Safariland 6360RDS.

3. The departmental armorer or firearms instructor shall issue departmental weapons to authorized personnel.

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

C. Shotguns

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

1. All shotguns shall be carried with the magazine fully loaded with approved ammunition and the chamber empty.

2. All shotguns left at the police department shall be left in an unloaded condition and stored in 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.

1. All patrol rifles shall be carried with the magazine fully loaded with approved ammunition and the chamber empty.

2. All rifles left at the police department shall be left in an unloaded condition and stored in gun vault or other designated location.

E. Off-duty or secondary weapons

1. Off-duty or secondary weapons of a reliable make and at a minimum of .380 caliber may carried by members of this department. Ammunition is purchased at the officer's expense. The armorer shall inspect and certify the off-duty or secondary weapon before it may be carried.

    a. Officers shall qualify with the off-duty or secondary weapon at the annual qualification.

    b. The armorer shall maintain a record of all 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 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 will be used in departmental or personal weapons for on or off-duty use. No reloaded ammunition will be used. 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 and backup weapon. The list of authorized ammunition is maintained by the armorer.

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. Additionally, at least one sworn member of the department will be appointed as the 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.

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 weapon.

I. Modification of weapons

1. Departmental weapons shall not be modified or altered without written approval of the Chief of Police except as outlined.

2. Flashlights designed to be mounted on firearms by the use of rails without any further modification are authorized.

    a. Officers should familiarize themselves during qualification of any effects this modification may have in the way the pistol or rifle handles.

b. Officers choosing to mount a weapon light on their duty pistol or rifle must complete a qualification course, and must demonstrate their ability to manipulate the light without using their trigger finger, prior to utilizing the weapon light on duty.

3. Pistol Optics

a. The Department issued duty handgun may only be outfitted with a Department issued Holosun 509T-GR X2 pistol optic.

b. Only Department issued pistol optics shall be carried on duty unless otherwise authorized by the Chief of Police

c. Duty weapon pistol optics shall be inspected and installed by the Department weapons armorer or Rangemaster.

d. After installation of an approved pistol optic by the Department weapons armorer or Rangemaster, the weapon must be checked for proper zero.

e. Officers shall complete the Department approved training course, and a firearms qualification utilizing the pistol optic, before they deploy a firearm that is equipped with a pistol optic on duty.

f. Installation, removal, or maintenance of any pistol optic on Department weapons must be completed by the Department armorer or Rangemaster.

1. If any pistol optic is removed from a weapon, the weapon must be checked for proper zero before being placed back into service.

2. Blue or Purple Loctite will be used to secure the pistol optic screws.

3. The pistol optic battery will be replaced annually by the Department armorer or Rangemaster. It is recommended that this batter replacement occurs during the annual pistol qualification.

4. Substitution of grips

a. Houge or similar style grips may be fitted over the standard Glock grip.

b. Target-style grips or any grips which interfere with the operation of the weapon are not authorized.

J. Firearms inspections

1. Annually, either the firearms instructor or the armorer shall thoroughly inspect each weapon during qualification on the range. Documentation of this inspection will be maintained by the department firearms instructor.(TBP: 3.03)

2. Supervisors shall also inspect subordinate officers' issued firearms quarterly 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 quarterly 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.

V. QUALIFICATION

A. Qualification rules

1. Officers must qualify with any weapon they carry or use on-duty at least annually or when they change or modify weapons. (TBP: 3.01)

2. The firearms instructor shall be in charge at all times when officers are on the firing range for qualification.

3. Only weapons and ammunition issued by the department shall be used during qualifications, except for officers who use their own weapons while on duty or if qualifying with off-duty weapons.

4. Every officer shall fire the regular firearms course approved by the Texas Commission on Law Enforcement.

5. Officers who fail to qualify on their first attempt shall immediately attempt qualification a second time. Officers who fail to qualify on the second attempt shall be placed in remedial training as soon as practicable and shall be removed from patrol or investigative duties until the standards expressed herein are met. Officers who cannot qualify within fifteen days of the original qualification shall be subject to termination. (TBP: 3.01)

6. The firearms proficiency officer will maintain records of each officer's firearms qualifications including:

    a. The officer's name and Identification Number

    b. The date of qualification

    c. The weapons(s) used during qualification

    d. A description of the course of fire and whether the officer passed or failed.

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.

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 5 rounds of duty ammunition from a range of at least 15 yards.

3. Officers who desire to carry a shotgun shall qualify 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)

	ARGYLE POLICE DEPARTMENT	
	Policy 6.3 Non-Lethal and Less-Lethal Weapons	
	Effective Date: 06JAN21	**Replaces: 10JUL20**
	Approved: Chief of Police	
	Reference: 3.04	

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 members are properly trained in the use of these tools and the circumstances of their use. Supervisors shall rigorously enforce departmental weapons standards.

II. PURPOSE

To establish policy and procedures governing the issuance, training, care and maintenance, and qualification of non-lethal and less-lethal weapons.

III. GENERAL PROCEDURES

A. Approved Weapons

1. Non-lethal and less than lethal weapons currently approved by the department include:

    a. Expandable Baton (Duty Issue)
    b. Pepper Spray (Duty Issue)
    c. Conducted Electrical Weapons (CEW) (Taser) (Duty Issue)
    d. Less-Lethal Shotgun

2. Department non-lethal or less than lethal weapons are determined by the Chief of Police based on the needs of the agency. Officers will not carry or use any weapon for which they are not qualified by the department to use.

3. All non-lethal or less-lethal weapons shall be plainly distinguishable from lethal weapons.

B. Security of weapons

Officers are responsible for the care and security of departmental weapons issued to them. Officers shall report any weapon loss or malfunction to the Chief of Police via the armorer or supervisor.

C. Modification and maintenance of weapons

1. Departmental weapons shall not be modified or altered without approval of the Chief of Police. Any modification or alteration shall be in accordance with the manufacturer's recommendation.

2. Officers are responsible for cleaning and maintenance of non-lethal or less-lethal weapons issued to them.

D. Weapon inspections

1. Officers shall inspect issued weapons at the beginning of each duty assignment to ensure they are in proper working order.

2. Supervisors shall inspect issued weapons at least quarterly and shall document the inspections in a memorandum to the Chief of Police if any deficiencies are found.

IV. QUALIFICATION REQUIREMENTS

A. Required instruction and qualification

1. Officers shall receive training in all non-lethal weapons and less-lethal weapons that they will carry, and will demonstrate proficiency with those weapons at least every two years with the exception of a Conducted Electrical Weapon (CEW) and Less-Lethal Shotgun in which annual certification is required. 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 are exempt from training for non-lethal weapons they do not carry. However, officers shall not carry any non-lethal weapon for which they have not been trained and qualified in its use. (TBP: 3.04) Furthermore, officers shall carry a minimum of three less-lethal force options while on duty.

B. Qualification rules

1. The instructor or designated safety officer shall be in charge at all times when officers are qualifying with non-lethal or less-lethal weapons.

2. The firearms proficiency officer 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. EXPANDABLE BATON

A. The department authorizes the carrying and use of an expandable steel baton as the only striking weapon for officers. All other forms of striking or punching weapons are prohibited, including but not limited to saps, blackjacks, slapjacks, nunchaku and similar sticks, and brass knuckles. Flashlights, or other items, carried by officers are not to be used as striking instruments, except as a last resort to protect the officer from imminent serious bodily injury or death.

B. Expandable batons are categorized as Intermediate Weapons.

C. The expandable baton, when fully extended, shall be twenty-one inches (21") or twenty-six inches (26") in length.

D. Officers who carry an expandable baton shall be trained and demonstrate proficiency in its use. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate and lesser levels are inappropriate or ineffective.

    1. The baton should not be used to strike handcuffed individuals or to threaten or intimidate individuals.

    2. Officers shall not raise the baton above the head to strike a blow to a person's head except in situations which would justify the use of deadly force.

E. All uses of the expandable baton, except for testing and training, will be documented in a Response to Resistance report.

VI. OLEORESIN CAPSICUM (OC) PEPPER SPRAY

A. Authorization

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

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

C. Usage Criteria

1. OC spray is considered a use of force and shall be employed in a manner consistent with this agency's Response to Resistance policy.

2. Use of OC is justified:

   a. To control and physically resisting suspect.

   b. To defend an officer or another person.

   c. To protect a person from injuring themselves.

   d. When lesser levels of control are ineffective.

   e. When an individual has signaled his/her intention to actively resist the officer's efforts to make an arrest.

3. Whenever practical and reasonable, officers should issue a verbal warning prior to using OC against a suspect.

4. Once a suspect is incapacitated or restrained, use of OC is no longer justified. Officers should utilize soft empty hand control techniques such as joint locks or pressure points to control restrained suspects who are uncooperative.

5. OC shall not be used on subjects who are using techniques of passive resistance or subjects who are not posing a threat to persons or property.

D. Usage Procedures

1. Whenever possible, officers should be upwind from the suspect before using OC and should avoid entering the spray area.

2. An officer should maintain a safe distance from the suspect of between two and 10 feet.

3. A single spray burst of between one and three seconds should be directed at the suspect's eyes, nose and mouth. Additional burst(s) may be used if the initial or subsequent bursts prove ineffective.

4. Use of OC should be avoided, if possible, under conditions where it may affect innocent bystanders or contaminate a public facility.

E. Effects of OC and Officer Response

1. Within several seconds of being sprayed by OC, a suspect will normally display symptoms of temporary blindness, have difficulty breathing, burning sensation in the throat, nausea, lung pain and/or impaired thought processes.

2. The effects of OC vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed. Officers should also be prepared to employ other means to control the suspect—to include, if necessary, other force options consistent with agency policy—if he/she does not respond sufficiently to the spray and cannot otherwise be subdued.

3. Immediately after spraying a suspect, officers shall be alert to any indication the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating and loss of consciousness. Upon observing any of these or other medical problems, or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid.

4. Any time a resisting or combative subject is brought under control and handcuffed, they should be placed in an upright seated position if possible. Subjects may be placed on their side if it is impossible to keep them in a upright position. Subjects should not be placed in a prone position as it could result in positional asphyxia.

5. Suspects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody.

6. Juveniles who have been sprayed shall be provided medical attention by fire department personnel prior to field release or arrival at any detention facility.

7. Officers should provide assurance to suspects who have been sprayed that the effects are temporary and encourage them to relax.

8. Air will normally begin reducing the effects of OC spray within 15 minutes of exposure. However, once the suspect has been restrained, officers shall assist him/her by rinsing and drying the exposed area.

9. Assistance shall be offered to any individuals accidentally exposed to OC spray who feel the effects of the agent.

F. Reporting Procedures

1. Accidental discharges, as well as intentional uses of OC spray against an individual in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible.

2. A Response to Resistance Report shall be completed following all discharges of OC spray except during testing, training, malfunction or accidental discharge.

G. Replacement

1. All OC spray devices shall be maintained in an operational and charged state. Officers shall report damaged, empty, or inoperable cannisters of OC to a supervisor so a replacement can be obtained.

2. OC canisters shall be inspected at the firing range during firearms qualification. A record of this fact shall be maintained by the appropriate agency authority.

VII. CONDUCTED ENERGY WEAPONS

A. Conducted Energy Weapons

1. A Conducted Energy Weapon (CEW) is used to electrically disrupt muscular control and allow officers to quickly subdue a resisting subject without having to resort to the use of deadly force. The CEW is considered a less than lethal weapon.

2. There are precautions that must be observed as in the use of any weapon and it is our responsibility to monitor subjects who have been controlled with the CEW for any medical problems.

3. The use of the CEW affords officers the opportunity of controlling individuals who are actively resisting without endangering themselves, the suspect, or the public.

4. It shall be the responsibility of supervisors of officers issued the CEW to ensure proper supervision, managerial controls, and compliance with this order.

5. The only approved departmentally issued CEW is manufactured by Axon.

B. Training and Qualification Procedures

1. Only personnel, who successfully complete the department's training course and demonstrate the required proficiency in the use of the CEW, shall be certified and allowed to carry the CEW. All training and qualification for the CEW shall be conducted by certified instructors.

2. It shall be the responsibility of the designated instructor to train and certify all eligible officers on the proper techniques and use of the CEW. Additionally, the department shall be responsible for compiling and analyzing data from incidents involving the use of the CEW to identify training related needs and issues.

3. In order to maintain proficiency in the use of the CEW, all officers certified to carry the weapon shall receive mandatory in-service training at least annually.

C. Carrying the CEW.

1. Certified officers shall carry the CEW in the manner recommended by the manufacturer. The CEW shall never be left unsecured. Only issued holsters will be utilized.

2. Personnel issued the CEW shall be responsible for the proper maintenance and care of the weapon. This shall include periodically checking battery life (not below 30%), wiping away dirt and dust, and ensuring the rubber stopper is secured on the data port.

D. Authorized Use of the CEW

1. The CEW may be utilized in the following instances:

a. In arrest situations when necessary to subdue a noncompliant subject when lesser means of control have not been successful, and the suspect is verbally threatening or physically resisting officers; or

b. Subjects who aggressively assault the officer in a less than deadly force manner (Active Aggression); or

c. Subjects who threaten an officer, themselves, or another with force which the officer believes could result in immediate bodily injury or death; or

d. Arrest situations involving defensive resistance.

2. The mere act of verbal non-compliance shall not justify the use of the CEW weapon

E. Usage Guidelines

1. Use of the CEW is strictly prohibited under the following circumstances:

a. When flammable gases, liquids or explosives are in close proximity to the subject.

b. On pregnant females, young children, the visibly frail, or elderly persons, unless deadly force is otherwise justified.

c. On handcuffed prisoners, without the expressed authority of a supervisor. Exigent circumstances must exist (such as to prevent the subject from injuring himself or others and other means of control are ineffective or unavailable).

d. On a subject who is visibly confined to a wheelchair unless it is objectively clear to prevent serious injury to himself/herself and/or if deadly force is justified.

e. On individuals with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy or epilepsy; or persons known to be wearing pacemakers or other biomedical devices sensitive to electrical current or known to have heart conditions.

f. On individuals as a means of coercion.

g. As a means or escorting or prodding individuals.

h. As a means of waking unconscious or intoxicated individuals.

i. As a part of horseplay or practical jokes.

j. No more than one officer should activate a CEW against a person at a time.

2. When practicable, avoid using a CEW on a person in the following situations unless the situation justifies a higher risk (Objectively Reasonable Standard):

a. Could fall and suffer impact injury to the head or other area.

b. Could fall on a sharp object or surface (e.g., holding a knife, falling on glass).

c. Has impaired reflexes (e.g., from alcohol, drugs or certain medications).

d. Is less able to catch or protect oneself in a fall (e.g., restrained, handcuffed, incapacitated, or immobilized).

e. On a subject who is operating or riding any mode of transportation (e.g., vehicle, bus, bicycle, motorcycle or train), conveyance (e.g., escalator, moving walkway, elevator, skateboard, rollerblades), or machinery;

f. On a subject that has been exposed to Oleoresin Capsicum (OC) spray (flammable or non-flammable versions).

g. Is located in water, mud, or marsh environment if the ability to move is restricted; or

h. Juvenile individuals.

F. Loading Cartridges into the CEW

1. The Argyle Police Department utilizes the Axon Taser 7 CEW. The Taser 7 can be loaded with the following two distinct cartridges:

   a. The Close Quarter (CQ) cartridge which produces a 12° probe spread when deployed. The cartridge is black in color with a black tip. This cartridge is most effective in situations where the officer is in close proximity to the subject.
   b. The Standoff (SO) cartridge which produces a 3.5° probe spread when deployed. The cartridge is grey in color with a black tip. This cartridge is most effective in situations where the officer is further away from the subject.

2. Officers should load their Taser 7 with the cartridges in the following order:

   a. Bay 1 - CQ cartridge
   b. Bay 2 - SO cartridge

G. CEW Deployment

1. Prior to deploying the CEW, whenever reasonable and practical, verbal warnings shall be issued to the subject, to allow the subject the opportunity to comply with the officer's commands.

2. Prior to deploying the CEW, the deploying officer shall announce the words "taser deployed" to alert others of the impending use of the weapon.

3. When activating a CEW, the officers should announce the words "taser, taser" and use it for one standard cycle and stop to evaluate the situation (a standard cycle is five seconds). If subsequent cycles are necessary, only the number and duration of cycles necessary to place the subject in custody will be used. Officers will be particularly alert for medical distress of the subject.

4. Officers should make every effort to avoid firing darts or directing the drive stun method at a subject's head, neck, front chest area or genitalia. Preferred targeting is the center mass of the subject's back. Where back targeting is not possible, officers should avoid chest shots unless deadly force would otherwise be justified.

5. The CEW direct drive stun method may be utilized as an alternative deployment method, when both probes fail to make contact with the subject and its effectiveness is reduced or the regular deployment method is either not possible or likely to be effective.

H. Post Deployment

1. Immediate Restraint. The subject will be restrained immediately to prevent additional resistance or injury. The subject should be placed in an upright seated position if possible. Subjects may be placed on their side if it is impossible to keep them in an upright position. Subjects should not be placed in a prone position as it could result in positional asphyxia.

2. If other restraints are unavailable, the subject may be handcuffed in front using a belt or strap to secure the cuffs to the body.

3. Medical Monitoring. Emergency Medical Services shall be requested to respond to all instances where the CEW has been deployed. The requesting officer shall monitor the subject until EMS personnel have arrived. In situations where CEW use is a possibility, officers should consider requesting EMS before use.

4. Supervisor Response. The on-duty supervisor or Command Officer will immediately respond to the scene of any CEW use. The supervisor will review the circumstances of the use and conduct a preliminary investigation.

5. Removal of Probes. CEW probes shall be removed as soon as possible. CEW probes that are imbedded in a subject's skin (as opposed to just clothing) shall only be removed by EMS personnel, other medical personnel, and police personnel who are trained in the removal of the probes. Police personnel shall not remove CEW probes that have struck a subject's head, throat, groin or any other sensitive area. CEW probes that have penetrated a person's skin shall be considered a biological hazard and shall use latex gloves when removing probes.

6. All persons who have been subjected to a CEW activation should be monitored regularly while in police custody even if they received medical care. Anyone subjected to a CEW deployment showing any signs of physical distress shall be transported immediately to a medical facility.

I. Reporting and Investigation

1. A Response to Resistance report shall be completed following all discharges of a CEW except during testing, training, malfunction or accidental discharge. Personnel must clearly articulate the reasons for the initial use and all subsequent cycle(s) in the Response to Resistance report. This includes the actual or threatened use of the CEW by an officer.

2. Photographs of the subject shall be taken in all instances where a CEW is deployed on a subject. Photographs should depict overall condition of the suspect, any injuries and the locations where the probes made contact.

3. In instances where the subject suffers serious bodily injury or death the officer shall preserve the cartridge as well as any spent probes and wires, and will place these items into evidence.

J. Inspection

Supervisors may, on a random basis, inspect their officer's CEW data port to determine if there have been any discharges since the previous inspection. Any undocumented discharges (outside of spark testing) shall require the officer to prepare a memorandum to the chief of police explaining the circumstances surrounding the discharge.

K. General Consideration

1. Officers should be aware that multiple activations and continuous cycling of a CEW appear to increase the risk of death or serious injury and should be avoided where practical.

2. Officers must be aware of the limitations of the CEW and be prepared to transition to other force options as needed.

3. Officers should be aware that there is a higher risk of sudden death in people under the influence of drugs and/or symptoms associated with excited delirium.

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

VIII. LESS-LETHAL SHOTGUN

A. Authorization

1. Less-lethal shotguns may be issued to members of the department who have been trained by a certified instructor and have demonstrated proficiency in the use of the weapon. These shotguns are identified by their orange stock and forearm. Care should be used in ensuring that 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 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.

4. Officers will load less-lethal munitions into the less-lethal shotgun **only at the time of need** to ensure the use of proper munitions. Immediately upon the officer's realization that the less-lethal shotgun will no longer be needed, or upon the subject being brought under control, the less-lethal shotgun will be unloaded.

5. Officers will utilize only Departmentally issued and approved less-lethal munitions.

B. Less-Lethal Shotgun Deployment

1. Officers may utilize the less-lethal shotgun when objectively reasonable and necessary, and in a manner consistent with the department's Response to Resistance policy. The less-lethal shotgun is a 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 should be prepared to transition to other force options if the less-lethal shotgun fails to subdue a subject.

3. Where time and opportunity permit, officers should warn the subject they will be struck with impact rounds if they continue their refusal to comply with officer commands.

4. Prior to discharge of the weapon, 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.

5. In the event a subject is struck by a less-lethal round, officer shall promptly properly restrain the individual and request EMS for evaluation.

6. All discharges of the less-lethal shotgun, with the exceptions of training and accidental discharges, will be immediately reported to a supervisor and documented in an incident report, as well as a Response to Resistance report. Accidental discharges will be documented in an incident report titled "Accidental Discharge" which shall be forwarded to a supervisor for review.

C. Shot Placement and Distance

1. Officers should not deploy the less-lethal shotgun closer than twenty feet and no further than 40-60 feet. Subject characteristics to be taken into account include, but are not limited to: Threat level, clothing, physical stature, physical condition, age, immediate surroundings, impact areas and target picture.

2. Impact Zone One- Consists of large muscle groups. Where the threat level is appropriate, and this zone is viable, it should be considered first. This zone includes the buttocks, thigh, and calves. Zone One is used primarily absent the threat of deadly force.

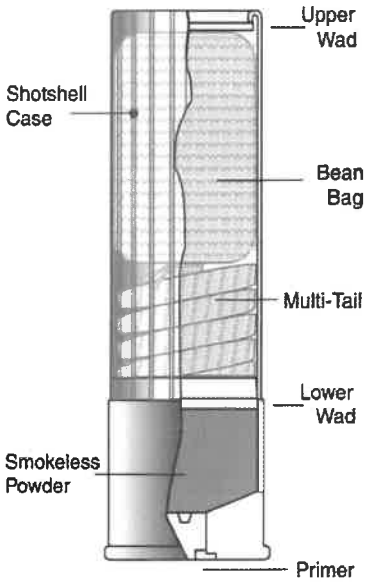
3. Impact Zone Two- Consists of medium muscle groups in the abdominal area below the sternum. Targeting zone two has a greater potential for causing serious bodily injury. Zone two will be targeted where the threat level is appropriate.

4. Impact Zone Three- This zone carries the greatest potential for serious or fatal injury and should be avoided when possible. It should be considered when maximum effectiveness is desired to meet a level of threat escalating to deadly force. This area consists of the chest (center mass), spine, head and neck. Zone Three should only be targeted if deadly force is justified.

12-GAUGE DRAG STABILIZED ROUND

DEFENSE TECHNOLOGY®

PRODUCT SPECIFICATIONS	
Diameter	12-Gauge
Length	2.50 in / 6.3 cm
Projectile Count	1
Velocity	270 fps / 82 mps
Minimum Safe Range	20 ft / 6.1 m
Maximum Effective Range	75 ft / 22.9 m
PROJECTILE SPECIFICATIONS	
Material	Tear-shaped bag with tails filled with #9 shot
Length	5.00 in / 12.7 cm
Weight	1.43 oz / 40 g
Part No.	3027
Warranty	5 years from date of manufacture



ALL SPECIFICATIONS ARE AVERAGES AND SUBJECT TO CHANGE

The Drag Stabilized™ 12-Gauge Round can be deployed in crowd control situations to protect the riot line, cover or enhance chemical munitions, or target specific agitators and organizers of the crowd. When used in this fashion, it is both a psychological deterrent and physiological distraction for pain compliance, crowd dispersal or area denial.

The Drag Stabilized™ 12-Gauge Round incorporates a 12-gauge shell loaded with a 40-gram, tear shaped projectile constructed of cotton and ballistic material blend filled with shot. This design utilizes stabilizing tails for improved accuracy and sustained energy over a longer range. The design and construction reduces the likelihood of the fabric rupturing or causing abrasion and lacerations. The Drag Stabilized™ 12-Gauge Round utilizes smokeless powder as the propellant.

The Drag Stabilized™ 12-Gauge Rounds are the Law Enforcement Communities' number one choice for Less Lethal Impact Munitions. The "point-of-aim, point-of-impact" capabilities provide the ability to acquire a single target for incapacitation, distraction or to gain compliance. It is recommended that these rounds should only be used in an eighteen inch (18") cylinder bore shotgun with no choke. Use of semi-automatic weapons or different barrel lengths may affect velocity.

The operator should be adequately trained in the use of Less Lethal Impact Munitions and have a thorough understanding of the round and considerations for selecting shot placement such as level of threat, target distance, size and clothing. The Drag Stabilized™ 12-Gauge Round proves most successful in incapacitation when used within its effective range of approximately 20 to 50 feet. These ranges offer the necessary energy and accuracy to target the large muscle groups of the subject. These areas provide sufficient pain and affect one's mobility while significantly minimizing serious or life-threatening injuries. Multiple shots may be required to achieve results.

⚠ WARNING

This product can expose you to chemicals including Lead Salts and Hexavalent Chromium, which are known to the State of California to cause cancer, and Lead Salts, which are known to the State of California to cause birth defects or other reproductive harm. For more information, go to www.P65Warnings.ca.gov.

FR CM TD INDOORS/OUTDOORS

WARNING: THIS PRODUCT IS TO BE USED ONLY BY AUTHORIZED AND TRAINED LAW ENFORCEMENT, CORRECTIONS, OR MILITARY PERSONNEL. THIS PRODUCT MAY CAUSE SERIOUS INJURY OR DEATH TO YOU OR OTHERS. THIS PRODUCT MAY CAUSE SERIOUS DAMAGE TO PROPERTY. HANDLE, STORE AND USE WITH EXTREME CARE AND CAUTION. USE ONLY AS INSTRUCTED.

1855 South Loop Casper, WY 82601
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Defense Technology, LLC Rev. 08/22

	ARGYLE POLICE DEPARTMENT	
	Policy 6.4 Officer Involved Shooting Investigations	
	Effective Date:17Feb12	**Replaces:**
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

It is the policy of this agency that officer-involved shooting incidents be investigated with the utmost thoroughness, professionalism and impartiality to determine if 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 oneself first. Then, administer basic first aid to suspects and others, as necessary, pending arrival of emergency medical assistance.
g. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. 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. Handling of Officers at Scene of Shooting Incident

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. If possible, 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. The Police Captain and other supervisory personnel.
    c. Investigators
    d. Crime Scene personnel

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. 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)

7. 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.

8. The officers should be advised that they may seek legal counsel.

9. 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.

10. The officers should be advised not to discuss the incident with anyone except a personal or agency attorney or a departmental investigator, until the conclusion of the preliminary investigation.

11. 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.

12. 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 his family, and arrange for their transportation to the hospital if needed.

13. 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.

14. Once the scene is secure, if investigators have not yet arrived, the supervisor shall begin doing the following:

    a. Locate and secure in place the officer's weapon and shell casings.
    b. Locate and secure 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).

15. Upon arrival of investigators, 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 his or her 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 his or her 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. Investigators will be well versed in the issues of Garrity v. NY to avoid improper contamination of the criminal investigation.

5. Upon arrival of investigators, 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 video recorded. Video record all persons present at the scene. Color photographs of the officer as he/she 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 recorded 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 recorded interviews.

f. Record interviews with fire department personnel, emergency medical service providers and other first responders to the scene.

g. Conduct separate recorded interviews with each officer involved.

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, or departmental investigator 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 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 autopsy of 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.

3. Any agency investigation of the incident shall be conducted as soon and as quickly as practical.

4. The agency should brief 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.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.1 Constitutional Safeguards	
	Effective Date: 20MAY21	**Replaces: 17Feb12**
	Approved: _____ Chief of Police	
	Reference: TBP: 7.04.1	

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."

   Absent consent or other exigent circumstances (as defined by case law) an officer must have probable cause to make an arrest or conduct a search.

2. When an officer has sufficient probable cause, he or she may arrest a person, conduct a search of the person, record the suspect's fingerprints, take the person's photograph, and detain him. 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, he or she may undertake a pat-down 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 procedure are to be followed unless unusual or extreme circumstances dictate another course of action. In these cases, officers shall make reasoned decisions in their discretion based on good judgment, experience, and training. It is up to the individual officer to consider the relevant facts, the situation, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.

3. The vast majority of persons an officer will contact during their shift 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 may authorize a field release if the individual is known or proper identification is present.

2. In misdemeanor criminal cases where there is no victim or property loss, where an individual or the public was not placed in danger of great harm, and in traffic offenses, officers may occasionally be faced with situations where formal action is not advisable. In such cases, officers may elect to exercise alternatives such as the issuance of citations, referral to a social service agency, or simply to give a warning.

3. In determining whether a citation should be used, the officer shall:

   a. Decide whether the offense committed is serious.
   b. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors.
   c. Make a judgment as to whether the accused poses a danger to the public or himself.

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, he or she 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 their 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 interrogation.

    b. Freelancing, recitation from memory or paraphrasing the warnings is discouraged as, absent video of the event, 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 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.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.2 Field Interviews and Detentions	
	Effective Date:30Jan12	**Replaces:**
	Approved: _____ Chief of Police	

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: 7.07.1)

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 they have 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 officers actions will be determined

by reviewing the totality of circumstances known to the officer at the time he or she takes the action.

D. Detention (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 he 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 his 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 person

may also refuse to produce identification or otherwise identify himself. 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 his 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. Firsthand 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 right to be, including:

    a. Town-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 he or she 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 he 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 the person should ask whether he must respond, or indicate that he feels compelled to respond, the officer shall immediately inform him (or her) 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 his 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. 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 involving vehicles. A lawful protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all of the following elements present:

   a. A lawful detention as defined herein or a lawful vehicle stop.
   b. A reasonable belief that the suspect(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.

D. 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 either the in-car audio video systems or their personal video recorder (PVR). Officers will attempt to position the vehicle or camera in a position to record the interview.

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 recording as evidence.

C. Officers are encouraged to make use of the "field contact" section of their MCT's to log contacts for future investigative purposes.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.3 Arrests With and Without a Warrant	
	Effective Date: 20MAY21	**Replaces: 26Jan12**
	Approved: _____ Chief of Police	
	Reference: TBP: 7.02.1, 7.03.1, and 7.04.1	

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 make an 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: 7.02.1)

A. General Procedures for Arrest with a Warrant

1. Arrests with a warrant will be made pursuant to Chapter 15 of the Texas Code of Criminal Procedure.

2. 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.

3. An officer shall not alter any information on an arrest warrant in any manner after a magistrate has issued it.

4. 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, State that the person is accused of a named offense, and
   c. Be signed by a magistrate whose office must be named.

5. 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.

6. If an officer has any question about the details or validity of an arrest warrant, he shall attempt to verify the information before making an arrest under authority of that warrant.

7. Any decision to send Regional or Statewide messages concerning a warrant will be made by a supervisor or the investigator assigned to the case. An officer need not have actual physical possession of an arrest warrant in order to execute it.

8. In executing an arrest warrant, whether or not he/she has the warrant in his possession, an 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 his possession, he/she shall show it to the arrestee. If the officer does not possess the warrant, he/she shall advise the arrestee of the charge, bond and originating agency who issued the warrant.

9. Officers may enter a 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. Request confirmation of the warrant from Dispatch, if received;
    b. Arrest the defendant. DCSO will notify the agency holding the warrant that this department executed the warrant and give the location of the arrestee.

C. Warrants from Other States

1. Whenever any officer has probable cause to believe that a person stands charged of a felony 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 Denton 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 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 who he 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 his/her own vehicle, or in some other convenient place.
4. The person may be frisked if the officer can articulate a reasonable fear for his or her safety.

E. Planned Executions of Arrest Warrants

1. 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, officers shall perform surveillance and/or intelligence gathering related to the location where the warrant will be executed.
    f. 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).
    g. Prior to the execution of any warrant, officers shall conduct a briefing with all persons who will be involved in the warrant execution. If possible, officers shall include in the briefing:
        1. A photograph of the person who is to be arrested.
        2. Information concerning the presence of animals, fortifications, weapons, or other hazards which would make the execution of the warrant more dangerous.
2. 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.)
3. 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.
4. An officer shall not use force to enter private premises to execute a misdemeanor arrest warrant.
5. In general, when seeking to enter a private premise, an officer shall ring the doorbell or knock on the door, announce his intentions and purpose,

and demand admittance. He may then wait, for a reasonable time under the circumstances, to be admitted.

6. 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.
7. 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.
8. 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.
9. 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.
10. After forcibly entering private premises to execute a felony arrest warrant, officers shall immediately secure the premises by locating, and controlling the movement of all persons who reasonably appear to present a threat to the safety of the officers. Officers shall also control any object that may be used as a weapon. An officer may frisk any person who the officer reasonably suspects may have a weapon concealed upon his person.
11. If possible, an officer shall leave the premises at least as secure as when he entered by leaving it in the hands of a responsible person or by locking all doors and windows.

F. Execution of Local Warrants by Other Jurisdictions

1. Whenever another law enforcement agency within Texas holds a prisoner on a warrant from this department, this department shall either pick up the prisoner within twenty-four (24) hours or notify the holding agency to release him.

VI. ARREST WITHOUT A WARRANT (TBP: 7.03.1)

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, or 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.
    e. Officers may arrest an offender for any offense committed within the officer's presence or view, including traffic violations except for violations of speeding and open container.
    f. Officers may arrest at the direction of a Magistrate, when a felony or breach of the peace has been committed.
    g. 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.
    h. 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 his/her jurisdiction shall notify the law enforcement agency of proper jurisdiction. The law enforcement agency shall take custody of the prisoner and arraign the prisoner before a magistrate in compliance with state law.

VII. POST-ARREST PROCEDURES

A. Injury before or during arrest

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

B. Processing of paperwork

1. All incident and arrest reports, unless prior approval is obtained from a supervisor, will be completed prior to end of shift. Reports will be submitted through the mobile computing (MCT) module of OSSI Sungard. Once reviewed and approved by a supervisor they will be uploaded into the records management module (RMS) of the software.

    a. Offense reports will be completed in MCT
    b. Fingerprint cards are completed at the jail by their staff.
    c. Photographs. (stored in appropriate section in Officer Data Files)
    d. In the case of juvenile offenders, all data is stored in their case file:
    e. Petitions.
    f. Detention orders.
    g. Fingerprint Cards and CR-43J.

C. Mirandizing Arrestees

1. Arrestees shall be advised of their Miranda rights before any custodial interview.
2. A waiver of the Miranda rights must be obtained before any custodial interview of an arrestee.
3. If the arrestee has not waived his or her Miranda rights, no questioning shall be conducted beyond that necessary to accomplish the booking procedure (name, address, etc.).
4. If the arrestee declines to waive his or her Miranda right to counsel, or 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 his or her 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, he or she 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 their supervisor and advise him or her 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 10.22.1)

	ARGYLE POLICE DEPARTMENT
	Policy 7.4 Search Incident to Arrest and Other Searches Without a Warrant
	Effective Date:27SEP22 | **Replaces: 13Feb15**
	Approved: Chief of Police
	Reference: TBP: 7.07, 10.14, and 10.15

I. POLICY

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

Searches without a judicial warrant are strictly limited to those circumstances where the courts have granted officers limited exceptions. One of those exceptions was described in Policy 7.2, where, if during an investigative stop, 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 they are within the area in which the defendant might reach to grab a weapon or an item of evidence.

E. Cellular phones in the possession of a suspect may not be searched without a warrant or exigent circumstances.

F. 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.

G. Strip searches

1. A Strip Search is the removal or rearrangement of clothing that results in the exposure or observation of a portion of a person's body where that person has a reasonable expectation of privacy.

2. Strip searches shall not be conducted on any person 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.

3. 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.

4. In every case, the on-duty or on-call supervisor must review the need and expressly authorize the strip search. Supervisors will be particularly restrictive in authorizing cases of persons arrested for minor offenses or traffic.

5. 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.

6. Following a strip search, the officer performing the search shall submit a written report to the supervisory authority that details, at a minimum, the following:
   a. Date and place of the search
   b. Identity of the officer conducting the search.
   c. Identity of the individual searched.
   d. Those present during the search.
   e. The identity of the approving supervisor
   f. A detailed description of the nature and extent of the search.

H. Body-cavity searches

1. Department personnel do not conduct body cavity searches other than an individual's mouth. If an officer has reasonable cause to believe a body cavity search is needed to detect weapons, drugs, or other contraband, the following procedures apply:

a. The on duty police supervisor is notified;
b. A search warrant is secured;
c. The detainee is transported to an appropriate Medical facility.
d. The search is conducted by the on-duty emergency room physician, while officers stand by to take control of any evidence and provide security to the physician conducting the search.
e. Body cavity searches are documented in the officer's arrest report 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 his or her 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 thing or place searched consents to the search. Note that, while the officer doesn't have to have reasonable suspicion nor probable cause to request a consent search, it is best practice to be able to articulate the officers' reason for requesting consent. 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. Consent to search should be asked for in clear and concise terms.

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 may give consent if they are 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 they are 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, he or she 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 his employer's premises unless he 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 shall 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. Verbal consent shall be documented on the officer's body worn camera, in car camera system or other audio recording device. Video recorded on the officer's body worn camera or in-car camera system will be labeled "Search" after recording. If any

such system is unavailable, then a written consent to search form shall be used.

b. Following a consensual search of a vehicle, officers shall do one of the following:
    i. For searches resulting from traffic stops, issue either a citation or written warning utilizing the electronic citation writer. Consensual searches will not result from stops for traffic infractions, or vehicle equipment violations, which cannot be found within the Texas Transportation Code.
    ii. For searches **not** resulting from a stop for a traffic infraction or vehicle equipment violation, complete an incident report outlining the reason for contact and whether contraband was found.

c. 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. The mere possibility of a remote data wipe or locking of a cellular phone is not sufficient by itself to justify the search of a cellular phone incident to arrest.

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 he or she observes may be evidence of a crime, 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 as 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.

F. Vehicle Inventory Search

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 7.16.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.5 Search Warrants	
	Effective Date:30Jan12	**Replaces:**
	Approved: _____ Chief of Police	
	Reference: TBP 7.06.1	

I. POLICY

The federal and state constitutions guarantee every person 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 him to search for any property or thing and to seize the same and bring it before such magistrate or commanding him 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, and preparing, planning, and implementing the search warrant.

D. SWAT Commander: The officer responsible for planning and supervising tactical operations to include dynamic entry and other tasks requiring special weapons and tactically trained officers (may not be an Argyle Officer.)

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 7.4.

V. PROCEDURES - Obtaining a search warrant

A. Prior to obtaining a search warrant, officers should consult a 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 and the situation requires, the supervisor shall make appropriate notifications up the chain-of-command. This review does not apply to blood warrants for the enforcement of driving while intoxicated.

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 DCSO SWAT 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 7.4). The warrant shall specify the areas to be searched 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, 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 District 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 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 video, if available and appropriate.

2. All members of the search team shall be in uniform or wear a clearly marked jacket with "POLICE" in large letters on the front and back.

3. All members of the search team shall wear protective body armor during the execution of all warrants.

C. Gaining entrance to premises

1. Prior to execution of the warrant, the lead detective shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed. 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. He or she must announce his presence as a law-enforcement officer.

b. The officer must announce that his 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, he may force his way into 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 he or she is going to be admitted at all.

   b. The officer waiting to be admitted sees or hears suspicious circumstances, such as flushing toilets or footsteps running away from the door, which indicate that someone might be concealing or destroying evidence or trying to escape.

5. No-knock or exigent entry

   In some circumstances a police officer may enter the premises to be searched without announcing his or her presence and purpose before entering. The judicial authority issuing the warrant may add a no-knock entry provision to the warrant. If not, the decision to make a no-knock entry may be made by the on-scene supervisor based on facts that would lead him or her to believe that an announcement would result in:

   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, he or she may be arrested and his or her person searched incident to arrest.

3. A person on the premises may be searched if the officer has probable cause to believe that items listed in the warrant are concealed on the person. 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 DCSO SWAT for entry and the securing of the premises.

C. The Supervisor in charge of the Warrant's execution will notify the SWAT Commander through the proper channels and request their assistance. The SWAT Commander will be provided with a copy of the Warrant and Affidavit.

D. Upon notification by any Supervisor that SWAT will be needed to execute a Warrant, the SWAT Commander will contact the Lead Detective and obtain the details of the Warrant execution. This will include a physical inspection of the target 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 SWAT Commander will notify the number of SWAT 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 SWAT Commander, the Communications Supervisor (if possible), and will include <u>all</u> 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 SWAT 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, video recording the entire search process.

F. Entry Procedures

1. If an advance surveillance team is at the target site, radio contact shall be made to ensure that the warrant can be served according to plan.
2. The search personnel shall position themselves in accordance with the execution plan.
3. An easily identifiable police officer shall knock and notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he or she is a police officer and has a warrant to search the premises, and that he or she demands entry to the premises at once.
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, he or she 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 12.1.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.10 Prisoner Restraints	
	Effective Date: 30Jan12	**Replaces:**
	Approved: _____ Chief of Police	
	Reference: TBP 10.01.1e	

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 7.11, 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, they shall be transported in a vehicle with a prisoner cage and two officers (if available) 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 he 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 body 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 Handcuffs

Plastic handcuffs shall be used when officers take several prisoners into custody, or when a prisoner requires multiple restraints. Officers must understand that, once applied, plastic handcuffs can 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 or belt 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 prisoners legs when the officer feels that the prisoner poses an imminent threat of physical harm to himself or another with the use of his 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 (if available) transport so that one officer can monitor the status of the prisoner while in transport, e.g. prevent prisoner head strikes against window 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 and investigation and later released, officers shall document their actions in their call sheet 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 suspect who is lying on his or her stomach has been handcuffed, officers shall roll the suspect onto his or her side, or place the suspect in a sitting position. 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.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.11 Prisoner Transportation	
	Effective Date:29Apr13	**Replaces:30Jan12**
	Approved: _____ Chief of Police	
	Reference: TBP 10.01, 10.10, and 10.12	

I. POLICY

Transportation of persons in custody is a constant requirement and a frequent activity. Transportation usually occurs in two instances. The first is immediately after arrest when the arrestee is taken by the arresting officer for booking and holding or transfer to another facility. The second concerns the movement of prisoners from the detention facility, 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 him or her 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 (not evidence) removed from the prisoner prior to transport will be:

    a. Released at the scene to a responsible party

    b. Secured in the prisoners vehicle

    c. Securely maintained and returned to the prisoner at a later date; or

    d. 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 his or her 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 disabled 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 7.10.

2. When a single officer transports a prisoner in a non-caged vehicle, the prisoner shall be placed in the right front seat and secured with a seat belt. The prisoner shall be handcuffed with his or her hands behind the back, palms outward. 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 position him or herself 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 position himself 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 he or she wishes medical assistance.

3. The transporting officer shall advise the receiving officer or deputy of any medical conditions of the prisoner, or any suspicions or concerns about the prisoner's 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 to stop or prevent a violent act and prevent further harm to a victim.

b. A person has been injured and assistance is required immediately.

2. In 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

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, 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 his or her 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 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 their supervisor. The supervisor, in turn, shall consult the magistrate or the city judge. The supervisor shall observe the following procedures to ensure control of the prisoner:

    a. Determine if it is possible to file charges at large (non-violent offender, victimless crime etc.)

    b. 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.

    c. Assist the magistrate in arraigning the prisoner, if necessary, or stand by while the magistrate issues a warrant.

d. 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.

e. 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.

f. The supervisor shall ensure that guards are checked periodically and relieved as necessary until sheriff's deputies relieve them.

g. 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 (if available) may be requested to accompany the transport.

b. At a minimum the transporting officer shall:

i. Activate their in-car video.

ii. Go directly to the destination by using the shortest practical route.

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 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.

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 his or her 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.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.12 Juvenile Procedures	
	Effective Date: 29DEC11	**Replaces:**
	Approved: Chief of Police	
	Reference: TBP 10.02.1 and 10.03.1	

I. POLICY

The department's interests concerning juvenile offenders reflect those of the community: to prevent and control juvenile delinquency. The department expects officers to handle juveniles consistent with common sense and the dictates of state law. The department's policy includes the identification, apprehension, and conviction of juveniles charged with crimes. Accordingly, officers may handle errant juveniles informally, particularly status offenders, those in need of protection, and those suspected of committing minor criminal offenses. In case of minor or status offenses, officers should divert juveniles from the formal criminal justice process, and instead choose community referral.

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. Child (Juvenile): A person who is ten years of age or older and less than seventeen years of age.

B. Conduct in Need of Supervision: Conduct, 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.

C. Delinquent Conduct: Conduct, other than a traffic offense (except DWI) that violates the penal laws of this state or the United States punishable by imprisonment or confinement in jail.

D. Delinquent child: A child who has committed a delinquent act or an adult who had committed a delinquent act prior to his or her 17th birthday.

E. Intake officer: A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert the juvenile from the

criminal process, or petition the court. An intake officer is normally a juvenile probation officer.

F. Juvenile court: The Court designated under Family Code 51.04 to exercise jurisdiction over juvenile proceedings within the county. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.

1. Juvenile offenses above class C, occurring in the Town of Argyle, are heard in County Court at Law #1 located at 210 S. Woodrow Ln., Denton, TX 76205-6304.
2. Argyle Municipal Court has concurrent jurisdiction for Class C offenses.

G. 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.

H. Status Offender: A juvenile who is charged with an offense that would not be a crime if committed by an adult.

I. 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.

J. Juvenile Processing Office: The office or location within the Police Department or school facility, approved by the Juvenile Court, for the temporary detention of juveniles while officers complete required activities prior to releasing the juvenile to a parent or transferring the juvenile to the Juvenile Detention Center.

IV. PROCEDURES – General (TBP: 10.02.1)

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.

B. Handling of juvenile offenders - general

1. A juvenile offender shall be handled with firmness and respect.

2. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record. 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.

3. If possible, all contacts with juveniles will be recorded on the in-car audio/video system or personal video recorder.

C. Authority for Taking a Child into Custody

1. Section 52.01 of the Family Code allows police officers to take children into custody.

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.

3. In making the decision to handle the juvenile either informally with a warning or formally by referral to the Juvenile Court, the officer shall consider the following:

   a. Seriousness of offenses.
   b. Prior record of child.
   c. Child's age.
   d. Cooperation and attitude of all parties (child, parent, victim) and 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 is 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.

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. A copy of the complaint will be forwarded to the parents by the Argyle Municipal Court.

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 he is released to a parent or guardian.
        i. Appropriate when the nature of the incident is of a more serious or potentially serious nature than in section 1 above;
        ii. there was property damage or minor injury not amounting to a felony;

iii. the youth involved is fully aware of the seriousness or potential seriousness of his 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 his parents, guardian or other responsible adult.
   a. Juveniles taken into custody for status offenses should 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

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 incompliance 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

B. Actions when taking a juvenile into Custody

1. A person taking a child into custody shall advise the juvenile of his/her constitutional rights when appropriate.

2. Without unnecessary delay and without first taking the child elsewhere, the officer does one of the following:

a. Release the child to his parent, guardian, custodian, or other responsible adult upon that person's promise to bring the child before the Juvenile Court when requested by the court;

b. Bring the child to a Juvenile Processing Office designated by the Juvenile Court;

c. Bring the child before the office or official designated by the Juvenile Court;

d. Bring the child to a medical facility if the child is believed to suffer from a serious physical condition, illness, injury or mental condition that requires prompt treatment;

e. Referral of the child and/or parent, guardian or custodian to the appropriate social agency;

f. In cases of truancy, the child is immediately returned 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:

1. A juvenile may be detained in a holding area certified by the Juvenile Court. The Argyle Police Department's approved Juvenile Processing Office is both the patrol room and the interview room located near CID.

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. Notify Communications to remove the runaway report from the computer system

6. In any event, officers shall complete incident reports for any runways taken into custody.

7. 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 juvenile the procedures that will relate to their case. The officer or detective may, at their discretion, allow other persons to be present during the interview. An attorney representing the child is allowed if requested.

3. The interrogation of a juvenile is completed within a reasonable time or terminated if the juvenile requests the interrogation be terminated.

B. Written or Recorded Confessions/Statements:

Officers will follow the procedure outlined by Section 51.095 of the Texas Family Code while taking written or recorded statements/confessions from juveniles:

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 they are those of a particular child, unless otherwise prohibited by law, the officer may fingerprint the child regardless of the age or case for 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 arrest or take 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 make appropriate notifications in accordance with Article 15.27 of the Code of Criminal Procedure.

E. Juvenile Records

All juvenile records are maintained separately from adult records and are stored securely in the Records Section.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.13 Domestic Violence and Protective Orders	
	Effective Date 29AUG22	**Replaces: 17DEC20**
	Approved: Chief of Police	
	Reference: TBP: 7.08.1	

I. POLICY

The Argyle Police Department recognizes the importance of, and places a high priority on the response to, domestic violence (domestic disturbance) calls. 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. With all due consideration for their own safety, Department personnel responding to a domestic disturbance call shall (1) stabilize 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 the 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, and describe measures to end violence and protect victims.

III. DEFINITIONS

A. "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.

B. "Family": shall have the meaning given to that term in Texas Family Code Section 71.003. Included in that definition shall be:

1. Spouses, whether or not residing in the same home.

2. Former spouses, whether or not residing in the same home.

3. Persons who have a child in common, whether or not they have ever been married or resided together.

4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters, half-brothers, and half-sisters regardless of whether they reside in the same home with the suspect.

5. Parents-in-law, children-in-law, brothers- and sisters-in-law regardless of whether they reside in the same home with the suspect.

6. Persons, whether or not related, who cohabit or who previously cohabited with the suspect, and any children of either who then resided in the same home as the suspect.

C. "Family Violence": shall have the meaning given to that phrase in Texas Family Code Section 71.004, including:

1. 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 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;

2. Abuse, as that term is defined by Texas Family Code Sections 261.001(1)(C), (E), (G), by a member of a family or household toward a child of the family or household; or

3. Dating violence, as that term is defined by Texas Family Code Section 71.0021.

4. For the purposes of this policy, the terms "family violence" and "domestic violence" shall be considered interchangeable.

D. "Household": shall have the meaning given that term in Texas Family Code Section 71.0021.

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, and 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.

1. Types of protective orders:

a. Magistrate's Order for Emergency Protection: A court order issued at the defendant's appearance before a magistrate after arrest for an offense involving family violence and is meant to stop the abuser from engaging in abusive, threatening or harassing behavior, and

from contacting the victim in any way. It is intended to protect the victim from further abuse or violence. It can be requested by the victim of the offense, the guardian of the victim, a peace officer or an attorney representing the State.

b. Protective order: A protective order that is requested by a victim of domestic violence at any time other than at the scene of a domestic violence incident.

c. Temporary Ex Parte Order: An order that is issued by a court 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. If 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 him or her to leave the residence. If the order does not require the actor to leave, the officer shall remain at the scene while the protected person gathers necessary items to leave. See Texas Family Code Chapter 86 for additional information.

IV. PROCEDURES

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 District Attorney and the investigating law enforcement agency. Where possible, officers may help victims directly access referral agencies.

B. Department personnel shall be trained about domestic violence and its impact.

C. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding officers.

V. PATROL RESPONSIBILITIES

A. Before arrival at the scene where an incident of family violence is suspected or reported, officers should do the following:

1. Obtain all available information from the dispatcher before arrival.

2. Officers should wait for a cover officer, discuss a strategy, and approach the dispute scene in pairs.

B. Near the scene, officers should consider avoiding the use of sirens and other alarms which could alert the suspect to the officer's arrival. The suspect might be dangerous and could turn a weapon on arriving officers.

C. At the scene, officers should observe the location of the dispute before contacting the complainant and consider the location's surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.

D. Before knocking on the door, officers should listen and should observe for additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).

E. Officers must be concerned for their own safety as well as that of the disputants. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.

1. Initial contact with occupant(s).

a. Officers shall identify themselves as law enforcement officer(s) by name, explain the reason for their presence, and request entry into the premises (when conditions permit). Officers shall ascertain the identity of the complainant and ask to see him or her and any other person(s) at the premises.

b. Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further.

c. Officers shall not leave without interviewing the complainant.

d. If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.

e. Refusal of entry or no response to a knock at the door will require a forced entry **only** if officers have a reasonable belief that individual(s) inside are in imminent danger of death or serious bodily injury.

f. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. Unless safety concerns preclude it, officers shall attempt to have the consenting party sign a consent to search form.

g. 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.

h. 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 exigent circumstances exist. Officers must have a reasonable belief that such circumstances exist. For example, if officers believe someone needs emergency assistance, they may search the premises without a warrant. Officers shall evaluate the following elements when considering a warrantless entry:

1. The degree of urgency involved, and the time required to get a warrant.

2. The possibility of danger to others, including officers left to guard the site.

3. Whether the suspected offense is serious or involves violence.

4. Whether officers reasonably believe that persons may be armed.

5. Finally, officers are reminded that they have a lawful right and duty to investigate any situation which they reasonably believe to be an emergency.

G. Once inside, establish control by:

1. Inquiring about the nature of the dispute.

2. Identifying all disputants.

3. Being aware of potential weapons in surroundings.

4. Determining if anyone other than the disputants are in other rooms, whether the occupants are children or adults, whether any are injured and to what extent (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. 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.

6. Inform the victim that the officer must take photographs of injuries as part of the investigation. Victims may refuse to be photographed, but officers should not use language which invites refusal such as "is it ok if I take photographs" or "do you mind if I photograph your injuries."

7. Ascertain whether a protective order has been violated.

8. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants while the disputants are being interviewed. If appropriate, seize weapons for evidence.

9. Officer shall transport victims and family/household member to a safe location such as a hospital or shelter if requested or as the circumstances require.

10. In the discretion of a peace officer, the officer may stay with a victim of family violence to protect the victim and allow the victim to take the personal property of the victim or of a child in the care of the victim to a place of safety in an orderly manner (CCP 5.045). If a complainant seeks officers' help in entering his or her residence to obtain personal property, the officers must:

    a. Determine that the complainant has lawful authority to do so;

    b. Advise all parties that they are accompanying the complaint to obtain items for immediate personal (or children's) use;

    c. Advise all parties that the officer's function is to maintain order; and

    d. Advise all parties that any dispute over property is a matter for the courts to decide.

H. Interviewing all disputants

1. Ensure safety and privacy by interviewing the victim in a place separate from the suspect, assuming the suspect has been identified. Although the disputants are to be separated, officers shall remain within sight and hearing of each other.

2. Officers should be aware of both verbal and non-verbal communication with the disputants. Officers must listen, show interest in the disputants and their problem, and remain aware of their own non-verbal communication 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.)

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. Officers should be aware that parties may make excited utterances which may have evidentiary value. These utterances should be recorded, when practicable, and should be noted in reports of the incident.

I. Interviewing the victim

Officers shall ascertain the following information from the victim:

1. What happened.

2. Any injuries, who caused them, and what weapons or objects were used.

3. Relationship to suspect and length of relationship.

4. Any threats made against victim or others.

5. Whether sexual contact to which the victim did not consent occurred.

6. Any court cases pending against suspect or any protective orders in effect.

7. Whether suspect is on probation or parole.

8. Whether suspect threatened others, particularly children, damaged property, or hurt pets.

J. Interviewing witnesses

1. Interview any witnesses to the incident including children, other family members, and neighbors as soon as possible.

2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.

3. Ask witnesses to provide a written statement if the individual is able to write. Officers may have to ask witnesses to expound on or clarify their statement if their oral and written accounts are inconsistent.

4. If witnesses provide details about prior assaults, document them to help establish a pattern.

5. 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.

K. Collection of Evidence

Officers shall 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.

2. Photographing any injuries received by any party involved in the incident, and any damage to the location as a result of the incident.

3. Completion of the Argyle Police Department – Assault Victim Statement by the officer (See Attachment A)

L. Offenses Involving Breathing or Circulation

1. If the victim of a family violence incident indicates to investigating officers, either verbally or in writing, that the suspect impeded the

victim's breathing or circulation of blood (Texas Penal Code Section 22.01(B)(2)(b) officers shall:

a. Personally complete the Argyle Police Department Strangulation Supplement (See Attachment B);

b. Request an ambulance to examine the victim; and

c. If an arrest is made at the scene, request a Magistrate's Order for Emergency Protection.

2. In some instances, assaults that involve strangulation do **not** leave visible injuries and the officer's ability to gather relevant information from the victim (pain, inability to breath, feeling of "blacking out", physiological changes, etc.) is essential to the investigation of the offense.

M. Reporting Requirements (Texas Code of Criminal Procedure Art. 5.05)

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;

d. a description of the incident and a statement of its disposition; and

e. whether the suspect is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status.

2. A peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence shall determine whether the address of the persons involved in the allegation or call matches the address of a current licensed foster home or verified agency foster home listed in the Texas Crime Information Center (Texas Code of Criminal Procedure Art. 5.04). The report under this subsection may be made orally or electronically and must:

a. include the information required above in Subsection V(M)(1); and

b. Be filed with the Department of Family and Protective Services within 24 hours of the beginning of the investigation or receipt of the disturbance call.

N. Offenses Involving Class C Family Violence Arrests

1. Officers **shall** fingerprint the offender and complete a CR-43 form for all adult Class C family violence offenses. The "Arrest/Identification" portion of the CR-43 must be fully completed by the officer, and the fingerprint card must be signed by both the officer and the suspect being fingerprinted.

2. If the suspect is not present at the offense location, but the officer can obtain adequate identifying information for the suspect:

    a. A citation will be issued for a Class C Family Violence charge and the citation will be sent via certified mail to the suspect's last known address

    b. (For situations where the municipal court is meeting **in person**) The officer will ensure that the municipal court is notified that the suspect will need to be fingerprinted when they appear in court

    c. (For situations where court is **not** meeting in person) The officer shall make a good faith effort to have the offender come to the police department to be fingerprinted. The "Arrest/Identification" portion of the CR-43 must be fully completed by the officer, and the fingerprint card must be signed by both the officer and the suspect being fingerprinted.

3. After completing the CR-43 form's three carbon sheets (white, yellow, and pink), the white sheet and fingerprint card should be mailed to DPS using the official return envelope. The yellow and pink sheets should be forwarded to the municipal court.

4. Copies of CR-43 forms and DPS return envelopes will be made available to officers.

O. Code of Criminal Procedure Art. 66.252, Reporting of Information by Local Entities states:

(a) The Department of Public Safety and the Texas Department of Criminal Justice by rule shall develop reporting procedures that:

1. Ensure that the offender processing data is reported from the time an offender is arrested until the time an offender is released; and

2. Provide measures and policies designed to identify and eliminate redundant reporting of information to the criminal justice information system.

    a. The arresting law enforcement agency shall prepare a uniform incident fingerprint card described by Article 66.251 and initiate the reporting process for each offender charged with:

        i. A felony;

        ii. A misdemeanor for which a term of confinement may be imposed; or

        iii. A misdemeanor punishable by fine only that involves family violence, as defined by Section 71.004, Family Code.

3. The clerk of the court exercising jurisdiction over a case shall report the disposition of the case to the Department of Public Safety.

4. Except as provided by Subsection (e) or as otherwise required by applicable state law or rule, information or data required by this chapter to be reported to the Department of Public Safety or the Texas Department of Criminal Justice shall be reported promptly but not later than the 30th day after the date on which the information or data is received by the agency responsible for reporting it.

5. An offender's arrest shall be reported to the Department of Public Safety not later than the seventh day after the date of the arrest.

VI. PROCEDURES – Arrests

A. Officers responding to calls involving family violence are required to protect any victims or potential victims of family violence, without regard to the relationship between the alleged offender and victim.

1. Pursuant to the provisions of Art. 5.04 and Art. 14.03 of the Code of Criminal Procedure:

    a. An officer **shall** arrest a suspect, with or without warrant, when there is probable cause to believe that the suspect has committed an act of family violence resulting in bodily injury or physical

contact the suspect knows or should reasonably believe will be regarded as offensive or provocative. *Officers should conduct a thorough interview, to include completion of the family violence packet, and be mindful that bodily injury can occur without the presence of physical marks or bruising.*

b. An officer **shall** arrest a suspect, with or without warrant, when there is probable cause to believe that the suspect has committed an act of family violence by means of threats of imminent bodily injury and the officer reasonably believes that further family violence may occur.

2. An officer **shall not** offer to separate the disputants by giving one, or both, parties the opportunity to leave the location if probable cause to believe that an act of family violence has been committed, or a protective order has been violated.

B. Officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.

C. When any person has been arrested or held without a warrant in an effort to prevent family violence, and probable cause exists to believe that violence will continue once released, that person shall be held for a period of up to four hours, after bond has been posted.

D. An officer may solicit a magistrate, based upon probable cause, to extend the detention period of an arrested suspect for up to an additional twenty-four-hour period.

E. Officers shall contact an 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 the presence of probable cause to arrest, the officer shall **NOT** consider:

1. Whether the parties are married or living together.

2. Race, sex, ethnicity, social class, or sexual orientation.

3. Whether the complainant has failed to seek or obtain a protective order.

4. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.

5. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.

6. That the complainant has not begun divorce proceedings.

7. Assurances of either disputant that violence will stop.

8. The lack of visible bruises or injuries.

9. Denial by either disputant that violence occurred if evidence exists to cause the officer to reasonably believe that it has.

G. If an arrest is made, the officer should use the following procedure:

1. If the suspect is present, arrest him/her, inform him/her that the decision to arrest is a law-enforcement one, and transport securely to the jail/magistrate.

2. If the suspect is absent or has been arrested, ask the victim if they need assistance with transportation to a safe shelter or other appropriate place.

3. If an arrest must be made because a protective order has been violated, verify the validity of the order by:

a. Examining the victim's copy, if available.

b. Having dispatch search TCIC or contact the jurisdiction that issued the order to confirm its validity.

H. If the suspect is not arrested, the officer should use the following procedure:

1. If the suspect is absent, circulate a "be-on-the-lookout" message describing the suspect, if necessary, and immediately prepare an offense report for further investigation.

2. Make a reasonable effort to locate the suspect, if applicable.

3. If no protective order has been sought or obtained, explain to the victim about protective orders and how to obtain them, and offer the Department's help in directing the victim to available resources if the victim wishes to obtain one later.

4. If the victim wishes 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 (Ex: marriage license or divorce

decree, health insurance cards, and, if children are involved, their school records, proof of vaccination, and health information).

5. Complete an incident report and give a copy or arrange to have a copy given to the victim.

6. If the suspect would have been arrested had they been present, inform the victim that the department will begin the process of procuring a warrant for the offender.

7. Advise the victim of the importance of preserving evidence.

8. Assure the victim that the Argyle Police Department will assist in future emergencies and explain measures for enhancing his or her own safety.

I. Gathering evidence. Physical evidence takes three forms in domestic violence cases: the injuries sustained by the victim, evidentiary articles that substantiate an attack, and the crime scene itself. The on-the-scene officer shall take the following actions:

1. If possible, have medical personnel corroborate the victim's account of injuries sustained. Choking is one of the most serious forms of violence but is sometime difficult to detect.

2. Take photographs of any injury that is visible and of the complainant from the waist up.

3. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.

4. Collect evidence according to the same principles as applied to any crime scene.

5. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime

6. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.

J. 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.

K. The disposition of the investigation.

1. Thoroughly document probable cause to arrest.

2. If an arrest is not made for domestic violence the incident must still be documented, stating that either no probable cause for arrest existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:

a. What referral information was given.

b. The name of any counselor contacted.

c. Why no arrest was made.

3. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services

4. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency. Officers shall also assure the victim that the Department will assist in future emergencies and explain measures for enhancing the victim's safety.

L. Arrests of law enforcement personnel

1. If the predominant physical aggressor or abuser is an employee of this agency or another law enforcement agency, the responding officer shall summon the field supervisor, who shall in turn notify his or her chain of command including the Chief of Police.

2. In making the decision regarding whether to arrest, an officer shall **NOT** consider:

    a. The offender's status as a Department employee or police employee; or

    b. Any personal relationship between the responding officer and the offender.

    c. Officers who fail to make an arrest, or who provide preferential treatment, based on the offender's status as a peace officer shall be subject to disciplinary action up to, and including, termination.

3. 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.

4. The Department criminal investigator shall be summoned who shall begin a criminal investigation.

    a. If probable cause to arrest exists, the investigator shall make the arrest and gather evidence (including taking photographs) consistent with this general order.

    b. The assigned investigator shall work with the responding patrol officer to ensure that the victim receives medical attention and, if necessary, is transported to a hospital or safe shelter. The investigator shall also ensure that all reports are completed, evidence is gathered, and photographs are taken. The responding patrol officer shall assist in obtaining an emergency protective order.

    c. The investigator shall present the case to the District attorney without delay.

5. Upon termination of the criminal investigation, the Chief will assign an internal investigation into the incident. The Chief may place the employee on administrative leave pending the outcome of the investigation.

a. Employees placed on administrative leave shall immediately turn in all agency-issued weapons, vehicle keys, badges, and identification to their supervisor.

b. If the internal administrative investigation supports a violation of agency policy, the Chief shall take appropriate disciplinary action.

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 (CCP 17.292)

A. 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 if the suspect is in custody. The victim may also make an application for a Protective Order if the suspect is not in custody.

B. Any officer who makes an arrest for family violence in which a deadly weapon was used shall make an application to a magistrate for the issuance of an Emergency Protective Order. The victim may also make an application for a Protective Order if the suspect is not in custody.

C. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an Emergency Protective Order.

D. If circumstances make it impossible or inappropriate for an officer to obtain the Emergency Protective Order, the officer shall advise the victim that he/she can request an Emergency Protective Order directly from a magistrate or the District Attorney.

E. An officer can petition for an Emergency Protective Order by telephone or in person.

F. The Emergency Protective Order 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 Emergency Protective Order.

G. The offender is served with a copy of the order at the time of the arraignment. The victim will be contacted and informed that an Emergency Protective Order has been issued and will be provided with a copy and informed of its requirements.

H. A copy is also delivered to the Chief of Police and the communications center for the jurisdiction where the victim resides.

I. 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 the State of 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.

VIII. MEMBERS OF THE MILITARY

Pursuant to Tex. Code. Crim. Pro. Art. 5.05(a-2), the Department investigator will be responsible for notifying proper military officials about a member of the military who is a suspect in, or arrested for, a family violence offense. The military member notification process will be carried out as follows.

A. Contact by phone, the staff judge advocate at the Joint Force Headquarters or provost marshal of the military installation to which the suspect is assigned;

B. Obtain the name, phone number, and other contact information of the person contacted;

C. Arrange for a copy of a notification letter on Argyle Police Department letterhead to the staff judge advocate or the provost marshal at the location where the suspect is assigned;

D. Supplement the offense or arrest report indicating the date and time the letter was sent, name, rank, and phone number of the person the letter was addressed to; and

E. Attach a copy of the letter to the original report.

IX. DEPARTMENT EMPLOYEES PROTECTED BY OR NAMED IN PROTECTIVE ORDER

A. A Department employee shall notify the employee's chain of command as soon as (i) the employee is aware the employee is named in a Protective Order, or (ii) the employee has obtained a Protective Order. The employee will provide a complete copy of the Protective Order to the employee's chain of command.

B. The Department investigator will be responsible for ensuring the order is entered into the protective order computer files and the statewide protective order registry.

C. This Section IX applies to both ex parte and permanent protective orders issue by any court in any jurisdiction.

D. A sworn employee who is the respondent of a Protective Order issued under Section 6.504 or Chapter 85, Texas Family Code, or under Article 17.292, Code of Criminal Procedure, or by another jurisdiction as provided by Chapter 88, Texas Family Code, will comply with the following stipulations in order to comply with Federal Law (i.e. 18 U.S.C. Sections 922 (g) (8) and 922 (d) (8).

1. The sworn employee will only be armed when on duty or actually working an approved off-duty job. At all other times, the sworn employee's duty weapon will be secured in the employee's work locker. The weapon will be secured immediately after completing any police department assignment.

2. An exception will be allowed for the employee to travel directly from the employee's workplace to the location of off-duty employment and to travel directly from off-duty employment to the workplace.

3. At no other time may the sworn employee be armed.

4. At any time when the sworn employee is not scheduled to be on duty or not working an off-duty job, a supervisor may check the location of the sworn employee's weapon for compliance with this order.

END OF GENERAL ORDER

ATTACHMENT A

ARGYLE POLICE DEPARTMENT - ASSAULT VICTIM STATEMENT

CASE # _____-_____ **DATE OF ASSAULT**_____ **TODAY'S DATE**_____

VICTIM INFORMATION
TO BE COMPLETED BY POLICE OFFICER

Victim's Name (last, first, middle) _____ **DOB**_____ **R/S**____/____
Home Address _____ **DL#** _____ **State**_____ **SSN#**_____
Primary Phone #(___)_____ **Work #(___)**_____ **Place of Employment**_____
Email Address _____ **Pregnant? ☐Yes ☐No #Weeks**_____
Suspect's Name_____ **Does the suspect live at this address? ☐Yes ☐No**
If no... list address_____

◆ Emergency Contact(s)

(Person who can contact you at all times)
Contact 1 _____ (___)_____(___)_____(___)_____
Name Address Primary Phone # Work #
Contact 2 _____

◆ Victim/Suspect Relationship

☐Dating/Engaged ___yrs. ___months ☐Marriage -Legal ___yrs. ___months ☐Member of Same Household ☐Former Member of Same Household
☐Biological Parents of Same Child - # Children _____ ☐Blood Relation ☐Relationship Ended (date)_____

◆ Action(s) of Suspect

☐Striking (*☐Open Hand ☐Closed Hand*) ☐Pushing ☐Throwing ☐Grabbing ☐Pulling ☐Biting
☐Strangling/Suffocating *(Complete Strangulation Supplement)* ☐Other (explain) _____

◆ How long has it been since the assault? _____**Hour(s)** _____**Minute(s)** _____**Day(s)**
◆ Complaint of physical pain during or after the assault? ☐Yes ☐No Explain_____
_____
◆ Did Suspect prevent you from making an emergency telephone call for assistance or threaten you if you call the Police for this assault? ☐Yes ☐No How/Explain _____
_____
◆ Did Suspect use or threaten to use a weapon against you? ☐Yes ☐No What type of weapon? _____
How? _____
◆ Weapon(s) owned by Suspect? ☐Yes ☐No Does Suspect have an LTC (License to Carry)? ☐Yes ☐No
List weapon(s)_____

◆ Did Suspect choke, strangle, or in ANY other way impede your breathing or circulation (including placing hand(s), arm or ANY other object around throat)? ☐Yes ☐No *****IF YES, COMPLETE STRANGULATION SUPPLEMENT*****
_____
◆ Has Suspect hurt you before? ☐Yes ☐No Date? _____ **Where?** _____ **Frequency?** _____
How? _____
_____
◆ Was a report made? ☐Yes ☐No To whom? _____
◆ Has Suspect ever threatened you if you called the Police? ☐Yes ☐No Describe threat(s)_____
◆ Has Suspect ever harmed or threatened to harm the children? ☐Yes ☐No How? _____
_____
◆ Has Suspect ever harmed or threatened to harm the household pets? ☐Yes ☐No How?_____
_____
◆ Was a report made? ☐Yes ☐No To whom/which agency? _____
◆ Was Suspect using alcohol or drugs at the time of this assault? ☐Yes ☐No What?_____
◆ Does Suspect use the following? ☐Alcohol ☐Prescription Medication - What?_____
☐Illegal Drug(s) - What? _____ **☐Other - Describe** _____
◆ Do you want an Emergency Protective Order? ☐Yes ☐ No
◆ Do you have a Protective Order? ☐Yes ☐No #_____ **Expiration Date** _____

VICTIM DESCRIPTION TO BE COMPLETED BY POLICE OFFICER

DEMEANOR		PHYSICAL CONDITION		APPEARANCE	SPEECH
☐afraid	☐hysterical	☐abrasion(s)	☐laceration(s)	☐bloody clothes	☐angry
☐angry	☐indifferent	☐bruise(s) new	☐loose hair	☐smeared makeup	☐out of breath
☐apologetic	☐intoxicated	☐bruise(s) old	☐shaking	☐soiled/sweat stained	☐excited/fast
☐belligerent	☐irrational	☐bleeding	☐redness	☐tangled/messy hair	☐crying/sobbing
☐calm	☐nervous	☐physical pain	☐swelling	☐torn/pulled clothing	☐yelling
☐crying	☐fearful	☐fracture(s)	☐other _____	☐other _____	☐belligerent
☐distraught	☐other	☐sweating			☐other _____

Explain other

WHAT SUSPECT USED TO HURT /THREATEN VICTIM	CRIME SCENE OBSERVATIONS
☐Hand ☐Head ☐Foot ☐Knife ☐Gun ☐Other _____	☐Signs of Disturbance ☐Clump(s) of Hair ☐Broken Furniture ☐Blood at Scene ☐Broken Phone ☐Hole(s) in Wall ☐Broken Glass ☐Children Crying ☐Weapon(s) ☐Phone Cord Yanked ☐Other _____
Weapon Seized? ☐Yes ☐No	Photos Taken? ☐Yes ☐No # Taken_____ By #_____ ☐Victim ☐Suspect ☐Injury ☐Location of Pain ☐Weapon(s) ☐Crime Scene
Evidence Collected? ☐Yes ☐No ☐Turned into Evidence	

♦ Medical Treatment (EMS/Ambulance WILL be requested if suspect strangled, or impeded circulation/breathing of victim)

☐Basic First Aid/Not Transported Treated By_____ EMT Name /# _____
☐Transported Where _____ Address_____ City_____ State _____
☐Will Seek Own Physician Physician's Name _____ Address_____ City_____
☐Will get Treatment at Clinic Clinic's Name _____ Address_____ City_____
☐Refused
☐None

SUSPECT INFORMATION
TO BE COMPLETED BY POLICE OFFICER

Suspect's Name (last, first, middle)_____ DOB_____ R/S___/___
Home Address _____ DL# _____ State_____ SSN#_____
Primary Phone #(___)_____ Work #(___)_____ Place of Employment_____
Email Address _____ Pregnant? ☐Yes ☐No #Weeks_____
Suspect ☐Arrested ☐Not at Scene Photo Available ☐Yes-Taken ☐No Scars/Tattoos ☐No ☐Yes If yes...describe_____

SUSPECT DESCRIPTION
TO BE COMPLETED BY POLICE OFFICER

DEMEANOR		PHYSICAL CONDITION		APPEARANCE	SPEECH
☐afraid	☐hysterical	☐abrasion(s)	☐laceration(s)	☐bloody clothes	☐angry
☐angry	☐indifferent	☐bruise(s) new	☐loose hair	☐smeared makeup	☐out of breath
☐apologetic	☐intoxicated	☐bruise(s) old	☐shaking	☐soiled/sweat stained	☐excited/fast
☐belligerent	☐irrational	☐bleeding	☐redness	☐tangled/messy hair	☐crying/sobbing
☐calm	☐nervous	☐physical pain	☐swelling	☐torn /pulled clothing	☐yelling
☐crying	☐fearful	☐fracture(s)	☐other _____	☐other _____	☐belligerent
☐distraught	☐other	☐sweating			☐other

Explain other _____

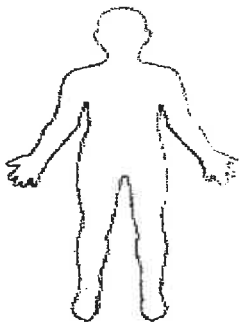
BODY INJURY DIAGRAM

TO BE COMPLETED BY POLICE OFFICER

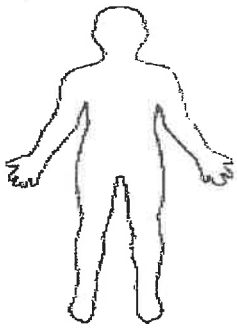
Mark all injuries on both the Victim and the Suspect

HT_____
WT_____
SEX_____

VICTIM



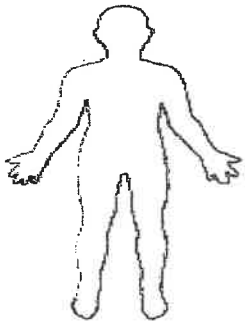
FRONT



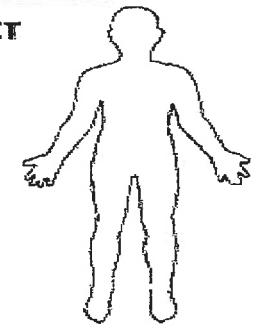
BACK

HT _____
WT_____
SEX _____

SUSPECT



FRONT



BACK

Describe injuries and how each was inflicted in the narrative of the offense report.

◆ Witness Information

1. **Name** _____ **DOB** _____ **R/S**____/____ **Primary Phone#**_____
   Work#(___)_____ **Email Address** _____
2. **Name** _____ **DOB** _____ **R/S**____/____ **Primary Phone#**_____
   Work#(___)_____ **Email Address** _____

◆ Children Information (MUST list all children and document in narrative of offense report)

1. **Present?** ☐Yes ☐No **Witness to assault?** ☐Yes ☐No **CPS Called?** ☐Yes ☐No **CPS#** _____
   Name of school child is attending _____
   (If more than one child, then you MUST list all other information in your supplement report)

◆ Military Information

Victim in Military? ☐Yes ☐No **Branch** _____ **Stationed** _____
Suspect in Military? ☐Yes ☐No **Branch** _____ **Stationed** _____
Victim in Reserves? ☐Yes ☐No **Texas National Guard** ☐Yes ☐No
Suspect in Reserves? ☐Yes ☐No **Texas National Guard** ☐Yes ☐No

◆ Re-location/Contact Information

Are you planning to relocate? ☐Yes ☐No **Address?** _____
Primary Phone # (___)_____ **Other#** (___)_____

LETHALITY ASSESMENT

TO BE COMPLETED BY A POLICE OFFICER

"Yes" to ANY question 1-5, document in offense report and request Emergency Protective Order

1. Has s/he ever threatened you with a weapon?	☐Yes ☐No ☐NA
2. Has s/he used a weapon against you?	☐Yes ☐No ☐NA
3. Has s/he ever threatened to kill you?	☐Yes ☐No ☐NA
4. Has s/he ever threatened to kill your children?	☐Yes ☐No ☐NA
5. Do you think s/he might try to kill you?	☐Yes ☐No ☐NA
6. Does s/he have a gun?	☐Yes ☐No ☐NA
7. Does s/he have easy access to a gun?	☐Yes ☐No ☐NA
8. Has s/he ever tried to strangle you?	☐Yes ☐No ☐NA
9. Is s/he violently or constantly jealous of you?	☐Yes ☐No ☐NA
10. Does s/he control most of your daily activities?	☐Yes ☐No ☐NA
11. Has s/he ever forced you to have sex when you did not wish to do so?	☐Yes ☐No ☐NA
12. Have you ever left her/him or separated after living together?	☐Yes ☐No ☐NA
13. Is s/he unemployed?	☐Yes ☐No ☐NA

14. Has s/he ever tried to kill herself/himself? ☐Yes ☐No ☐NA

15. Do you have a child that does not belong to the Suspect? ☐Yes ☐No ☐NA

16. Does s/he follow you? ☐Yes ☐No ☐NA

17. Does s/he spy on you? ☐Yes ☐No ☐NA

18. Does s/he leave threatening messages? ☐Yes ☐No ☐NA

• Describe the threat(s) and/or message(s) left_____

_____

19. Is there anything else that worries you about your safety? ☐Yes ☐No ☐NA

If yes, explain _____

_____

• Victim provided with Domestic Violence Information Pamphlet ☐Yes ☐No

VICTIM STATEMENT / DECLARACION DE LA VICTIMA

TO BE FILLED OUT BY VICTIM

I can read, write and understand the English Language. This statement is true and correct to the best of my knowledge. I make this statement freely and voluntarily. Should I provide false information on this form, I understand that I could be prosecuted for the crime of *"False Report to a Police Officer"* under section 37.08 of the Texas Penal Code. **Signature**_____ **Date** _____

Puedo leer, escribir y entender el idioma español. Esta declaración es verdadera y correcta en cuanto a lo que yo sepa. Hago esta declaración libre y voluntariamente. Si he dado información falsa en este formulario, entiendo que puedo ser enjuiciado/a por el crimen de "Declaración Falsa dada a un oficial de " Policía" bajo la sección 37.08 del Código Penal del Estado de Texas.

Firma_____ ***Fecha***_____

- **Where are you right now?** _____ **Where did assault occur?**_____
  ¿Dónde se encuentra usted en este momento?_____ ***¿Dónde ocurrió el asalto?***_____
- **Who assaulted you? (name/relationship)**_____
  ¿Quién asito? (nombre/parentesco)
- **What led up to the assault?** _____
  ¿Qué occrrió antes del asalto para que el as alto ocurriera?_____
- **How did Suspect assault you? (ex. hit w/ fist to head)** _____
  ¿Cómo le asaltó el/la sospechoso/a a usted (por ejemplo, le pegó con el puño en la cabeza)? _____
- **What injuries do you have as a result of the assault?**_____
  ¿Qué lesiones tiene como resultado del asalto?_____
- **How did you get each injury?** _____
  ¿Cómo obtuvo cada herida? _____
- **Did you feel physical pain either at the time of the assault or after?**_____
  ¿Sintió usted dolor durante el asalto o después? _____
- **Was there damage to property (walls, phones, furniture, etc.)?** _____
  ¿Hubo daños a la propiedad (en las paredes, teléfonos, muebles, o en otros lugares)?_____
- **Other Information** _____
  Otra información_____

Print Name - Nombre impreso _____

Signature _____ **Date** _____ **Time** ____:____ **am/pm**
Su firma_____ ***Fecha***_____ ***Hora***____:____***am/pm***

Officer Signature _____ **#** _____ **Date** _____ **Time** ____:____ **am/pm**
Firma del oficial_____ **#**_____ ***Fecha***_____ ***Hora***____:____***am/pm***

ATTACHMENT B

ARGYLE POLICE DEPARTMENT STRANGULATION DOCUMENTATION FORM

VICTIM NAME (Last, First, Middle)	DATE OF BIRTH	M ☐ F ☐	CASE #
SUSPECT NAME (Last, First, Middle)	DATE OF BIRTH	M ☐ F ☐	

STRANGULATION EVENT QUESTIONS

- What did suspect use to strangle you? ☐ Left Hand ☐ Right Hand ☐ Two Hands ☐ Forearm ☐ Knee/Foot
  ☐ Other Object(s): _____
  ☐ *Describe manner/method in detail in narrative.*
- Estimate how long strangulation lasted: _____ Minute(s) _____ Second(s) Multiple Times: ☐ Yes # _____ ☐ No
- Estimate the amount of force suspect used to strangle: (1 = weak, 10 = very strong): ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10
- Describe suspect's emotional demeanor while strangling you: _____
- Describe the suspect's face/expression during strangulation: _____
- What did suspect say while strangling you? _____
- What else did suspect do while strangling you? _____
- Were you able to speak during the strangulation? ☐ Yes ☐ No If yes, what did you say? _____
- Did you do anything to attempt to physically stop the strangulation? ☐ Yes ☐ No Describe: _____
- What made the suspect stop? _____
- What did you think during the strangulation? _____
- Has suspect strangled you on other occasions? ☐ Yes ☐ No If yes, # of occasions: _____ When: _____

SYMPTOMS EXPERIENCED BY VICTIM

SYMPTOM	DURING	AFTER	SYMPTOM	DURING	AFTER	SYMPTOM	DURING	AFTER
Vision Changes: Tunnel	☐	☐	Coughing Blood	☐	☐	Hoarse Voice	☐	☐
Vision Changes: Spots	☐	☐	Nausea	☐	☐	Loss of Voice	☐	☐
Hearing Loss/Changes	☐	☐	Vomit/Dry Heaving	☐	☐	Whisper Voice	☐	☐
Loss of Consciousness	☐	☐	Dizziness	☐	☐	Neck Pain/Tender	☐	☐
Unable to Breathe	☐	☐	Headache	☐	☐	Trouble Swallowing	☐	☐
Difficulty Breathe	☐	☐	Feel Faint	☐	☐	Pain Swallowing	☐	☐
Rapid Breathing	☐	☐	Disorientation	☐	☐	Sore Throat	☐	☐
Pain While Breathing	☐	☐	Memory Loss	☐	☐	Urinate	☐	☐
Shallow Breathing	☐	☐	Painful to Speak	☐	☐	Defecate	☐	☐
Coughing	☐	☐	Raspy Voice	☐	☐	Other:	☐	☐

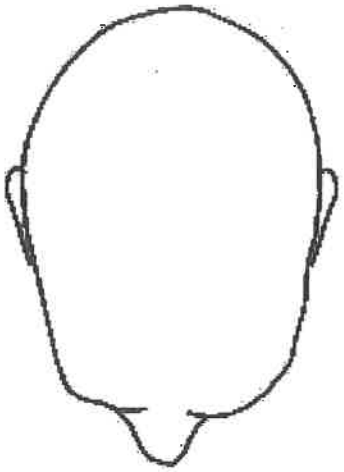
OFFICER OBSERVED INJURIES

FACE	EYES	NOSE	MOUTH
☐ Skin Red/Flushed ☐ Red Spots (e.g. petechiae) ☐ Scratches or Abrasions ☐ Swelling ☐ Bruising ☐ Other:	☐ Red Eye ☐ Left ☐ Right ☐ Red Spots in Eye ☐ Left ☐ Right ☐ Red Spots on Eyelid ☐ Left ☐ Right ☐ Blood in Eyeball ☐ Eyelid(s) drooping ☐ Other:	☐ Redness ☐ Red spots (i.e. petechiae) ☐ Scratches or Abrasions ☐ Swelling ☐ Bleeding ☐ Other:	☐ Swollen Lips ☐ Swollen Tongue ☐ Bruise(s) ☐ Scratches or Abrasions ☐ Red Spots in Palate or Gums, Etc. ☐ Other:
EARS	**UNDER CHIN**	**NECK**	**SHOULDERS**
☐ Redness ☐ Red spots (i.e. petechiae) ☐ Bleeding ☐ Bruising or Discoloration ☐ Swelling ☐ Red Spots Behind Ear(s) ☐ Bruising Behind Ear(s) ☐ Other:	☐ Redness ☐ Scratches or Abrasions ☐ Lacerations ☐ Bruises ☐ Linear Marks (e.g. fingernail marks) ☐ Other:	☐ Redness ☐ Scratches or Abrasions ☐ Bruises ☐ Linear Marks (e.g. fingernail marks) ☐ Ligature Marks ☐ Red Spots (e.g. petechiae) ☐ Swelling ☐ Other:	☐ Redness ☐ Scratches or Abrasions ☐ Lacerations ☐ Bruises ☐ Other:
HANDS, FINGERS, ARMS	**HEAD**	**CHEST**	
☐ Redness ☐ Bruising ☐ Swelling ☐ Scratches or Abrasions ☐ Broken Fingernails ☐ Other:	☐ Lumps/Bumps ☐ Lacerations ☐ Scratches or Abrasions ☐ Hair missing ☐ Red Spots on Scalp (e.g. petechiae) ☐ Other:	☐ Redness ☐ Scratches or Abrasions ☐ Lacerations ☐ Bruises ☐ Linear Marks (e.g. fingernail marks) ☐ Other:	

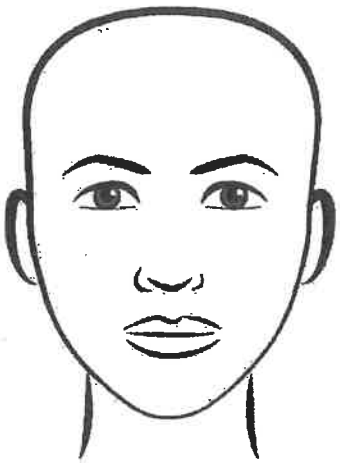
BODY DIAGRAMS

Draw all injuries observed

Top of Head



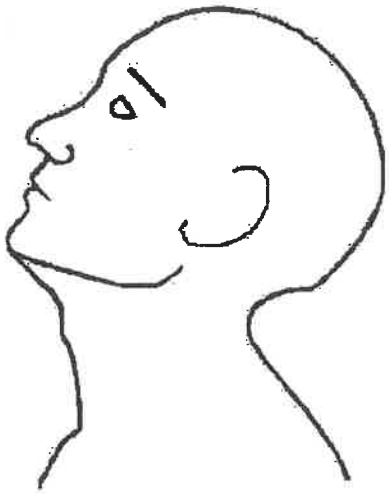
Front



Neck & Chin



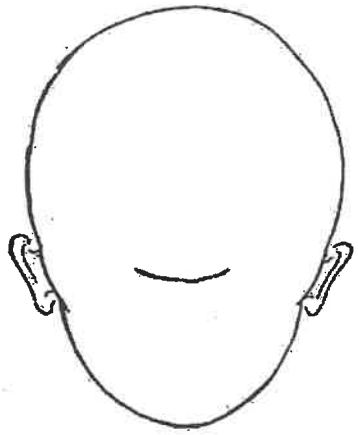
Left Side



Right Side



Back of Head



OFFICER CHECKLIST

- ☐ Photograph all injuries and physical evidence.
- ☐ If strangulation was done using an object, photograph and collect the object.
- ☐ Document where all evidence items were found.
- ☐ Determine if jewelry was worn by either party during the incident. If so, photograph it and, when feasible, look for pattern injuries.
- ☐ If defecation or urination in clothing, collect the clothing as evidence.
- ☐ If victim vomited, take photos of the vomit.
- ☐ Consider contacting duty detective.
- ☐ Take photographs of BOTH parties to document injuries and/or lack of injuries. Include hands, arms, face, chest, neck and all other areas the parties claim injury or physical contact occurred.
- ☐ Obtain evidence from hospital, if available, or follow-up to retrieve.

	ARGYLE POLICE DEPARTMENT
	Policy 7.14 Vehicle Operation
	Effective Date: 28JUN20 | **Replaces: 07JUN14**
	Approved: _____ Chief of Police
	Reference: TBP: 7.15, 7.20, and 7.24

I. POLICY

The foremost goal of the Argyle Police Department is the protection of life. Therefore, all personnel operating department vehicles shall exercise due regard for the safety of all persons. No task, call, apprehension, or incident justifies disregard of public safety. Further, the public expects its law-enforcement officers to be examples of responsibility and restraint in their driving behaviors. All department personnel who operate department vehicles will comply with the safe-driving procedures outlined in this policy, with attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be used in accordance with legal requirements and for the protection of the public and department personnel.

II. PURPOSE

To establish procedures governing the operation of police vehicles.

III. DEFINITIONS

A. Emergency driving - Driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. Emergency driving with emergency lights and siren activated allows officers to disregard certain traffic regulations, but officers must still drive with due regard for the safety of the officer and others.

B. Emergency equipment - Emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.

1. **An exception to externally mounted red and blue lights will be made for designated SUV model vehicles equipped with interior red and blue lights mounted at the top and extending across the width of the windshield. Additional emergency warning lights and a siren will be mounted on these vehicles in accordance with specifications approved by the Chief of Police to allow the vehicle to operate as an emergency vehicle.**

2. **Vehicles not equipped with operable emergency equipment, including red and blue lights and a siren, will not be operated in an emergency manner.**

C. 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."

IV. LEVELS OF RESPONSE DEFINED

A. Code 1: The operation of an emergency vehicle in normal traffic without using emergency lights and siren. Code 1 is also utilized for any situation, regardless of apparent urgency, where the operation of the vehicle in pursuit of the preservation of life is not a consideration. All departmental personnel operating emergency vehicles in this mode will comply with the posted speed limit and obey all traffic control devices and signals.

B. Code 3: The operation of a vehicle in an emergency where the preservation of life is a consideration. Primary and support units responding to Code 3 calls shall proceed rapidly to the location of the emergency by the most direct means, using **all** emergency warning devices with a paramount consideration for the safety of the public and the assigned officers.

1. Officers operating their vehicles in this manner shall come to a complete stop to ensure an intersection is clear prior to disregarding any stop signal or stop sign.

2. Officers operating their vehicles in this manner shall reduce their speed to the posted speed limit while in active school zones.

3. While operating a vehicle in a Code 3 mode, an officer is not bound by the requirements listed above in the following situations:

   a. When responding to cover another law enforcement officer where an imminent threat to the officer's safety is present; or
   b. When an officer is involved in an authorized pursuit.

4. Field supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade assigned response codes. Field supervisors shall closely monitor all Code 3 calls and shall respond if necessary.

5. In all situations, an officer is not relieved of the duty to operate the vehicle with appropriate regard for the safety of all persons and the consequences of reckless disregard for the safety of others.

V. GENERAL PROCEDURES (TBP: 7.15)

A. General

1. All departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Department vehicles are conspicuous symbols of authority on the streets and many people observe an officer's actions. Each officer must set an example of good driving behavior and habits.

2. The Transportation Code, under certain emergency circumstances, authorizes officers to disregard traffic regulations. Both the operator and the department, however, are not released from civil liability for vehicle operation that is reckless or that endangers others.

B. Routine operation

1. **In case of accident or damage to any department vehicle, the driver shall immediately request a supervisor to conduct an investigation. The supervisor shall record their findings and the circumstances under which the damage occurred in a memorandum to the Chief of Police. This memorandum shall include the date and time that the damage was reported to the supervisor.**
2. The supervisor will determine whether the accident will be investigated by another agency. Drivers shall also write a memorandum detailing the circumstances of the accident. This memorandum shall be completed prior to the end of the employee's shift.
3. Drivers shall report any found damage or other non-accident damage to their supervisor immediately and document the damage in an incident report titled "Damage to Town Property." This report shall be completed prior to the end of the employee's shift.
4. Vehicles with subdued graphics that are equipped with emergency lights and a siren may be used to stop vehicles.
5. Unmarked cars shall not be used in any pursuit but may be used for patrol. They may be used to stop vehicles provided they are equipped with emergency lights and a siren.
6. Standard lighting equipment on marked vehicles includes hazardous warning lights, spotlights, and alley (side) lights on the rooftop light bar.
7. Hazardous warning lights shall be used at any time the department vehicle is parked where other moving vehicles may be endangered.

8. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner that will blind or interfere with the vision of operators of approaching vehicles.

9. Seat belts and shoulder straps shall be worn by all passengers during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible. (TBP: 7.20)

    a. **Exception**: When approaching an incident scene or a call where the officer believes that a rapid exit from the vehicle may be required, the officer may release the seat belt.

10. Any young children transported in a police vehicle will be transported in the manner prescribed by the Transportation Code using Infant/Child car seats when necessary.

11. Officers will not leave weapons of any kind in a department vehicle which is being serviced or when the vehicle is not in use.

C. Inspection (TBP: 7.24)

1. Before each duty assignment, officers shall check their vehicles for cleanliness, operability, and all required equipment. Officers shall also ensure that vehicles have adequate levels of oil, brake fluid, power steering fluid, and gas. Any deficiencies should be noted on the online vehicle maintenance request form.

2. Officers shall check the safety features of the vehicle before assuming duty. The check shall include (but not be limited to) all lights, brakes, siren, horn, theft prevention devices and steering.

3. Officers shall also check tires for tread wear and proper inflation.

4. Officers shall examine their vehicles at the beginning and end of their shifts for damage. Officers shall report any damage immediately to their supervisor.

5. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others. Rear seats shall be thoroughly checked.

6. Officers who discover a department vehicle in need of repairs should fill out an online vehicle maintenance request form.

7. If vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.

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

9. Officers are responsible for maintaining the cleanliness of the interior and exterior of their assigned vehicle.

10. No officer or employee shall operate any department vehicle which he or she believes to be unsafe.

D. Driving rules

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

2. A department vehicle shall not be left unattended with the engine running nor shall the vehicle be unlocked when the officer has left it unattended. This includes vehicles parked at the police station.

   a. **Exception**: Vehicles may be left running if being utilized as a traffic control device or to shield officers or citizens from oncoming traffic. In these instances, the vehicle's emergency lights must be activated.

3. 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.

   Upon approaching a controlled intersection or other location where there is possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely if necessary, before entering and traversing the intersection.

   a. Regardless of the seriousness of the situation to which the officer is responding, and excepting circumstances that are clearly beyond the officer's control, he or she shall be held accountable for the manner in which he or she operates the vehicle.

4. At the scene of a crime, a motor vehicle crash, or other incident, a department vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured persons. If a traffic hazard exists, the emergency lights shall be used to warn other drivers approaching the location.

5. Operators of department 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.

E. Procedures for Emergency Driving

1. General

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

b. The only authorized levels of response are Code 1 and Code 3, which are defined in Section IV herein.

c. Section 546.005 of the Transportation Code states "This chapter does not relieve the operator of an authorized emergency vehicle from the duty to drive with appropriate regard for the safety of all persons or the consequences of reckless disregard for the safety of others." Recognizing that protection of human life is paramount; the responding officer must remember that his or her objective is to get to the location of the occurrence as soon as possible--safely--without danger to himself or to others.

d. Emergency driving to the scene of a motor vehicle accident is permissible only when an emergency exists, when specific information indicates that conditions at the scene require an emergency response, or when directed to do so by a supervisor.

e. Upon approaching a controlled intersection or other location where there is possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely if necessary, before entering and traversing the intersection.

f. Regardless of the seriousness of the situation to which the officer is responding, and excepting circumstances that are clearly beyond the officer's control, he or she shall be held accountable for the manner in which he or she operates the vehicle.

g. Officers will hold Code 3 responses to the essential minimum and terminate Code 3 response at the earliest possible time. When the emergency warning devices are deactivated, a Code 1 response is in effect.

2. Officer's response to call

    a. Upon arrival at the scene of a call, the responding officer shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding Code 3 can be slowed or cancelled.

    b. The law enforcement goal of protection of life may be better served if an in-the-act offender is not alerted to an officer's arrival. When the siren and emergency warning lights are deactivated, the Code 3 response will cease, and a Code 1 response will be in effect, and the officer must begin considering a tactical approach.

    c. All units responding to robbery-in-progress and burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren. Before coming within sight of the location, officers shall discontinue the use of the emergency warning lights. This exception is granted under TRC 546.004 and authorized by this policy.

3. Officer-initiated response.

    a. When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary enforcement, the department authorizes an emergency response. Examples include:

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

        ii. As a visual signal to attract the attention of motorists being stopped for traffic violations, or to warn motorists of imminent danger.

        iii. Responding to Code 1 calls, where the officer has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as Code 3.

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

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

vi. For pursuit, see Policy 7.15.

b. When, in the opinion of the officer, the deactivation or non-activation of lights or emergency warning devices is necessary to protect life, enhance officer safety or render the necessary and proper enforcement action, the department authorizes such a response. (This is a discretionary function of the officer and is in accordance with TRC 546.003 and 546.004 and these policies.) Examples include:

i. Following violators at speed above the speed limit without overhead lights on, until such time as a "safe" place is determined for a stop.
ii. Temporarily exceeding the maximum speed limit, as long as the operator does not endanger life or property to catch a violator or check/read vehicle registration.
iii. Pacing of vehicles to determine speed violations.
iv. Discontinuing the use of lights to avoid being seen approaching a scene, either in daylight or nighttime.
v. Discontinuing the use of lights while patrolling a building for security checks at nighttime.
vi. Park or stand, irrespective of another provision of the Transportation Code.

c. The officer will notify the dispatcher over the radio by stating "I am increasing to Code 3."

d. The officer must be able to articulate the facts and circumstances justifying the Code 3 decision.

4. Field supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade response codes.

5. Use of emergency warning devices in non-emergencies

a. Officers shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, officer, and the public.

b. Officers may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers.

	ARGYLE POLICE DEPARTMENT
	Policy 7.15 Vehicle Pursuits
	Effective Date: 28JUN20 | **Replaces: 24SEP12**
	Approved: Chief of Police
	Reference: TBP: 7.13, 7.14, 7.18, and 7.19.

I. POLICY

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue, continuously evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

Officers shall comply with all applicable portions of Policy 7.14 and 7.15 when involved in vehicle pursuits.

II. PURPOSE

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

III. DEFINITIONS

A. Pursuit Driving - Driving where an officer in an authorized emergency vehicle is actively attempting to apprehend a fleeing suspect who is attempting to elude the officer. A suspect is considered to be fleeing upon making any overt action intended to avoid arrest. Pursuits shall be conducted only with activated emergency equipment and under circumstances outlined in this order. For the purpose of this order, violators who are failing to yield to an officer, who is initiating a traffic stop, but who are otherwise following all traffic regulations, are not considered to be fleeing.

B. Termination of the Pursuit - Termination of the pursuit shall be defined as the total abandonment of the pursuit. Officers, when told to terminate a pursuit, shall turn off their emergency lights and siren, reduce speed to legal limits, and return to normal duties.

C. Actively Involved in the Pursuit - Authorized units in a pursuit actively engaged in attempting to stop a suspect vehicle.

D. Caravanning - Direct participation in a pursuit by department vehicles other than the primary and authorized support vehicles.

E. Primary pursuit vehicle - Normally the department vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.

F. Pursuit Intervention Technique (PIT) - A low speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

G. Risk - The degree of danger or hazard to the public or officers.

H. Roadblock - Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.

I. Support Vehicle - The second or additional department vehicles, participating in the pursuit, which follows the primary pursuit vehicle at a safe distance and helps the primary pursuit vehicle once the suspect vehicle has stopped, or which can assume the primary role if circumstances dictate.

IV. PROCEDURES FOR PURSUITS (TBP: 7.13)

Operation of a police vehicle as an emergency vehicle, whether in high-speed pursuit or in response to an emergency call, is one of the most dangerous activities that can be engaged in by a police officer. The police vehicle is a potential deadly weapon, and high-speed driving is often a life-or-death situation. Initiating or participating in a vehicular pursuit presents a danger to the officers involved, the suspect, and the general public.

A. Decision to Initiate a Pursuit

1. The decision to pursue must be based on facts and circumstances known to the officer **at the time the pursuit is initiated**.

2. In deciding whether to initiate pursuit, the officer shall take into consideration:

    1. Seriousness of the offense. Some pursuits by police officers are initiated because of Class C traffic violations. These violators, if apprehended, often receive minor penalties. The apprehension of a traffic violator is not sufficient justification for the risk to human life, or to property;
    2. Whether the offender's identity is known. In situations where alternative means of apprehension exist that do not require a vehicle pursuit, officers should utilize these means (Ex: Issuance of a warrant for an evading offense, warrant service at the offender's home or business, etc.);
    3. Present ability of other officers to apprehend the offender;
    4. Knowledge of previous activities of the offender;

5. Traffic conditions existing at that time;
6. Direction of travel, i.e., toward or away from densely populated areas, through school zones, into residential neighborhoods, etc.;
7. Roadway and weather conditions;
8. Age of the offender;
9. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
10. The presence of other persons in the police vehicle;
11. The officer's ability to control the police vehicle. Officers should know their driving capabilities and not exceed them.

3. An officer may initiate a pursuit under the following circumstances:

    1. When an officer has probable cause to believe that a felony involving the use or threat of physical force or violence has been, or is about to be committed, or
    2. To assist another law enforcement agency that has initiated a pursuit under the same circumstances (officers shall verify this fact before entering the pursuit), or
    3. An outside agency has initiated a pursuit which has entered the Town of Argyle and there is only one police vehicle involved, or
    4. An officer observes a suspect discharge a firearm in a public place or displays a firearm in a public place in a threatening manner, and
    5. The officer reasonably believes that the immediate need to apprehend the offender outweighs the risk to any person of collision, injury, or death.
    6. All other pursuits are prohibited.

4. Officers will not pursue a motorist whose only offense is driving while intoxicated if the actions of the driver escalate beyond merely failing to yield to the emergency vehicle.

B. Vehicle Operation While in Pursuit

1. The emergency warning lights, siren, and emergency vehicle headlights will be used at all times while operating under emergency driving conditions.

2. Only marked police vehicles equipped with operable emergency warning lights and sirens shall participate in the pursuit of a fleeing vehicle.

3. Vehicles with passengers (prisoners, witnesses, suspects, complainants, or other non-police personnel who have not signed a waiver of liability) will not become engaged in pursuits.

4. Officers and all occupants of police vehicles shall utilize available seat belts.

5. A maximum of three (3) police vehicles may become involved in a pursuit, to include the primary pursuit vehicle, the support vehicle and one (1) supervisor vehicle, unless specifically authorized by a supervisor.

6. When a pursued vehicle goes through red lights, stop signs, or roadway intersections, the pursuing police vehicle(s) shall:

    1. Slow and enter the intersection at a reduced speed and proceed only when safe and when all other vehicles are aware of the officer's presence.
    2. 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.

C. Primary Pursuit Vehicle Responsibilities

1. The officer's primary responsibility in a pursuit is the safe operation of the vehicle.

2. Upon engaging in a pursuit, the officer shall immediately report to the dispatcher initial information including, but not limited to, the following:

    1. The officer's unit number,
    2. The location of the officer and the suspect's vehicle,
    3. The direction of travel,
    4. Description of the suspect vehicle, including license plate number and state if possible,
    5. Reason for the pursuit to include offense that has been, or is about to be, committed,
    6. Speeds of police vehicle and suspect vehicle,
    7. Suspect vehicle occupant information, if known,
    8. Number of police vehicles currently involved in the pursuit, and
    9. Traffic conditions.

3. The officer will provide to the dispatcher periodically, or upon request, updates concerning the pursuit's location, speed, and direction of travel.

4. The officer shall maintain a sufficient distance between the police vehicle and the suspect vehicle to avoid a collision in the event that the suspect vehicle becomes disabled, collides with an object, or comes to a sudden stop.

5. When the police vehicle's speed is such that the driver can no longer safely maintain control of the vehicle, taking into consideration traffic, weather, and other pertinent conditions, it shall be deemed that the risk to the public and the officer is too great to continue the pursuit.

D. Responsibilities of Support Vehicle

1. Upon becoming involved in a pursuit as a support vehicle, the officer shall assume responsibility for continuous updates on the following to the dispatcher:

    1. Support vehicle's unit number
    2. Location and direction of the pursuit
    3. Speeds of police vehicles and suspect vehicle
    4. Traffic conditions

2. The support vehicle will have priority over all other radio transmissions until the conclusion of the pursuit. Only information pertaining to the pursuit, or to the actions of the individual(s) in the suspect vehicle, will be transmitted.

E. Supervisor's responsibilities

1. Supervisors are responsible for continuous monitoring of the police radio while on duty.

2. An on-duty supervisor shall assume command of and monitor the pursuit. The supervisor shall:

    1. Ensure that the pursuit is conducted in compliance with department policy;
    2. Direct officers to join or abandon the pursuit;
    3. Join the pursuit if necessary;
    4. Request updates from pursuing officer(s) and dispatcher;
    5. Direct pursuit tactics; and
    6. Terminate the pursuit if circumstances dictate.

3. In authorizing additional department vehicles to pursue, the supervisor shall consider the factors listed in Section IV, A(2) and:

    1. The nature of the offense;
    2. The number of suspects;
    3. The number of officers currently participating as primary or support vehicles;
    4. Any injuries or property damage already sustained because of the pursuit; and
    5. Any other clear, articulable facts that would justify the assignment of additional department vehicles.

4. Supervisors shall respond to the termination point of all Argyle Police Department initiated pursuits. The supervisor shall be responsible for controlling police actions at the scene.

5. At the conclusion of the incident, and after the suspect(s) is in custody, the supervisor shall critique the pursuit with all involved Argyle Police officers

6. The supervisor may direct the use of tire-deflation devices, as appropriate.

F. Prohibited Practices

1. These practices are prohibited in any pursuit, unless specifically noted.

    1. Attempting to pass or pull beside the fleeing vehicle.
    2. Intentionally ramming, bumping, or colliding with a fleeing vehicle, or pulling alongside such vehicles in an attempt to force them off the road or into an obstacle; an exception to this prohibition may be authorized when an officer is permitted to use deadly force as defined by Department policy.
    3. Using a police vehicle as a stationary or rolling roadblock or as a termination technique. (TBP: 7.18)
    4. Caravanning: Only two (2) department vehicles (excluding the supervisor) shall participate in a pursuit at any time unless specifically authorized by a supervisor.
    5. Pursuing a vehicle while traveling the wrong way on any freeway, one-way service road, one-way street, or divided roadway. This order is not intended to prohibit pursuit on an adjacent roadway where the officer is driving with the traffic flow.

2. Officers shall not discharge a firearm toward a moving vehicle unless an occupant of the vehicle is using or attempting to use deadly force on an officer or other person.

    1. This shall be done as a last resort and when deadly force is justified by Department policy.
    2. Officers shall consider all risks when making the decision to shoot at a vehicle, and shall be responsible for every round that leaves their weapon.
    3. The assumption that a fleeing vehicle is a deadly weapon and may cause injury to an officer or citizen is **not** in itself justification to use deadly force.

3. If the supervisor orders the pursuit to end, then the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than a few seconds.

4. Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then upon consideration of the circumstances and conditions presented at the time, including the potential risk of injury to officer, the public and occupants of the pursued vehicle.

5. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit should use a different siren-sound selection, if circumstances and safety permit. The use of different siren-sound combinations can help the

primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.

G. Tire Deflation Devices (TBP: 7.19)

1. Officers shall be trained in the proper deployment of the particular tire deflation device prior to deployment.
2. Only department provided, and authorized equipment will be used. This equipment will be kept in the on-duty patrol vehicle. Officers shall be responsible for checking and maintaining the equipment in their vehicles. Supervisors will be responsible for quarterly inspections of tire deflation devices. During the inspections, the supervisor will ensure the tire deflation devices are properly maintained.
3. The tire deflation equipment shall not be deployed on the following vehicles:
   a. Vehicles with less than four wheels (motorcycles, all-terrain vehicles, etc.).
   b. Vehicles transporting hazardous materials.
   c. Vehicles with more than two axles (semi-trucks, trailers, etc.) or public transportation vehicles (buses, motor coaches, vans, etc.), without approval from the Chief of Police.
4. Deployment shall be made in safety and in an area that is free of obstructions for at least 100 yards in each direction.
5. The deployment location should allow for proper deployment and provide as high a degree of safety as possible.

   a. Deployment shall be made per manufacturer's instructions.
   b. Officers should choose a deployment location which offers a physical barrier between the officer and the roadway to prevent vehicles involved in the pursuit from striking the officer should they leave the roadway. The officer's patrol vehicle is not considered to be an adequate barrier.
   c. An adequate line of sight to the approaching pursuit must be available.
   d. Patrol vehicles shall be parked in such a manner as to provide additional warning and protection without blocking the pursuit. Patrol vehicles shall have all emergency lighting activated.
   e. Deployment should be set far enough ahead of the pursuit to allow for adequate setup time. A rushed deployment is ineffective and dangerous.
   f. The deploying officer(s) will provide information on location and readiness to the pursuing officers. There shall be no deployment if this information is not received by the pursuing officers.
   g. Target vehicle information must be sent from the pursuing units to the deploying officer(s). A visual confirmation by the deploying officer(s) should be made to reduce the possibility of error.
   h. The devices must be retracted prior to departmental vehicles running over them.

H. Pursuit Termination

1. A pursuit shall be terminated when:

a. The danger to the officer or the public outweighs the immediate need to apprehend the suspect.
b. The supervisor orders it.
c. Any emergency equipment on the police vehicle becomes inoperable.
d. Any time it appears that a defect has developed in the police vehicle which would in any way affect the safe operation of that vehicle (Ex: Damage to tires, reduction in ability to steer, vehicle alignment).
e. Any time brake fade is sufficient to create a hazard. It must be recognized that all vehicle brakes are subject to serious brake fade when the brakes are applied at high speeds.
f. The pursued vehicle has outdistanced the pursing officer(s) such that its location is unknown.
g. Any time communication is lost or becomes unreliable.
h. A person has been injured during the pursuit and no medical or department personnel are able to provide help.

2. Any officer, regardless of rank, shall be authorized to terminate a pursuit when:

   a. The officer observes violations of this policy.
   b. The officer observes that the involved police vehicles can no longer be safely operated due to speed, terrain, weather, traffic conditions, or vehicle capabilities.

3. An officer's decision not to pursue or to terminate a pursuit that has been started will not be subject to review or discipline.

4. Upon the order to terminate the pursuit, involved officers shall deactivate all emergency equipment and will return to normal or routine driving.

5. Should the suspect(s) stop the pursued vehicle and proceed on foot, the officer shall stop, give his or her location, and may continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched to offer assistance. The pursuing officer should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing officers.

6. Should the suspect bring the pursued vehicle to a stop and remain in the vehicle, officers shall **not** immediately approach the vehicle. Appropriate felony stop procedures shall be utilized.

V. INTER-JURISDICTIONAL PURSUIT POLICY AGREEMENT

A. This agency has adopted an agreement known as the Inter-Jurisdictional Pursuit Policy Agreement. This document is maintained by the North Texas Police Chief's Association. This document provides guidelines for pursuits that are entering or leaving our jurisdiction.

B. If the reason or nature of a pursuit is in conflict with the department's policy, officers shall not join in or assist with the pursuit, even if requested by another agency. This includes terminating other agencies pursuits with tire deflation devices.

C. General Considerations

1. Any agency involved in the pursuit may, in its discretion, choose to terminate its involvement in a pursuit at any time.

2. The purpose and intent of this agreement is to coordinate law enforcement response to the emergency conditions caused by vehicular pursuits. This agreement is not to be construed to limit the legal authority of any law enforcement agency or officer. Nor is this agreement to be construed to impose any standard of conduct or care upon any officer or agency beyond that existing under applicable law. This agreement is intended by the participating agencies to be in full force and effect as the general order of each such participating agency.

D. Notifications

1. Before entering another jurisdiction, or as soon as practical, the pursuing agency will, if reasonably possible, notify the other jurisdictional agency of the following information:

   a. A pursuit has entered or is about to enter their jurisdiction.
   b. The location and direction of travel.
   c. The primary offense for which the vehicle and occupants are wanted.
   d. The vehicle license number and complete description of vehicle and occupants.
   e. The number and description of pursuing units as well as their relative location to the vehicle being pursued.
   f. Whether or not assistance is needed.

2. As appropriate, the initial agency will notify the jurisdictional agency that the pursuit is:

   a. leaving the jurisdiction; or
   b. has been discontinued; or,
   c. has ceased and of the ending location.

E. Control of the Pursuit

1. The initiating agency will have control of and will be responsible for the pursuit. Other agencies will not participate unless requested to assist.

2. A total of no more than three (3) vehicles from the combined jurisdictions will be involved in any pursuit unless the controlling supervisor from the originating agency requests or approves additional assistance. At least one

of the three involved units should, if practical, be a supervisor. One additional unit from the jurisdiction through which the pursuit is proceeding may trail the pursuit by keeping the pursuit in sight from a distance to assist officers if needed.

F. Responsibilities

1. Initiating agency

a. Arrest and custody of the persons charged.
b. Arraignment of arrested persons.
c. Disposition of any passenger.
d. Disposition of the arrested person's vehicle.
e. Coordination of all reports related to the arrest, citations, and criminal charges.

2. Agency of Primary Jurisdiction

a. Reporting of any traffic collision(s) that occur as a result of a pursuit.

b. As a matter of professional courtesy, a supervisor from the agency where the pursuit ceases will respond to the location to offer immediate assistance at the scene and to determine any pertinent information regarding the pursuit.

VI. FOLLOW UP REQUIREMENTS (TBP: 7.14)

A. The on-duty or on-call 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 will be completed before the end of the officer's tour of duty.

B. The on-duty or on-call supervisor shall review the pursuit and all related audio and video for compliance with policy and forward all documentation to the Chief of Police. Review of pursuit video footage shall be conducted with an eye towards training and correction unless egregious violations are observed.

C. The Pursuit Report with supervisory review will be forwarded to the Chief of Police. The Chief will also review the report and determine compliance with policy. The Chief of Police will inform the supervisor of his findings. Should a policy violation be identified, the Chief will direct 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.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.16 Vehicle Impoundment and Inventory	
	Effective Date: 03Jun16	**Replaces: 17Feb12**
	Approved: _____ Chief of Police	
	Reference:	

I. POLICY

A motor vehicle is an important piece of personal property that must be properly managed and supervised if it enters police custody. Abandoned vehicles constitute a public nuisance, a hazard to traffic, and members of our community view their removal as an essential police service. Likewise, vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes.

II. PURPOSE

To establish procedures for towing and inventory of vehicles.

III. AUTHORITY TO TOW

A. Peace Officer's authority to tow is listed in Section 545.305 and Section 683 of the Texas Transportation Code.

1. Any vehicle involved in an accident should be removed to the shoulder of the road or elsewhere as soon as possible after officers have obtained necessary investigative information.

2. Any 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 should not use departmental vehicles to push vehicles from the roadway unless exigent circumstances exists.

B. Removal from private property

1. No removal shall be ordered from private property.

2. Property or business owners may act immediately to have vehicles towed which are occupying a lot, area, space, building or part thereof without their permission.

C. Evidence/crime involvement

1. Upon supervisory approval, vehicles that are of an evidentiary shall be towed at the request of the officer at department expense.

D. Prisoner's vehicles

1. Vehicles belonging to arrested persons, if left at the scene of the arrest may be at substantial risk of theft or damage to the vehicle or personal property contained therein. It is therefore the policy of this department to tow all prisoner's vehicles to an impound lot at the owner's expense for protection of the vehicle, unless:

    a. There is a friend or relative at the scene, and the arrestee wishes to release the vehicle to them, they possess a current drivers license, and the arrestee consents to the release either in writing or on the audio/video in-car recording system.
    b. The vehicle is sitting on the owner's private property.

2. The officer shall tow the vehicle if he or she believes the above method of vehicle release would not properly protect the vehicle or its contents.

3. 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.

4. A "hold" may be placed on any vehicle impounded for evidence for such period of time necessary to complete evidence collection.
    a. Holds on vehicles must be approved by an agency supervisor.
    b. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.
    c. Release may be dependent upon the evidentiary value and the DA's Office.

E. 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.

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 and laws the vehicle shall be towed.

E. For traffic accidents, if vehicles are not a traffic hazard, use the vehicle owner's or operator's choice of towing company if specified.

F. If the owner/operator does not wish to specify a towing firm or is not available to make a choice, the officer will ask the dispatcher to send a wrecker, utilizing our preferred wrecker company. If that company is unavailable, a wrecker should be utilized from the Denton County Rotation list available to dispatch.

G. Towed vehicles are entered into Sungard MDC tow/impound module. Officers should always list the vehicles as "T" towed in the module, regardless of the reason for impound.

H. Towing companies are expected to respond to scenes within 30 minutes of a call. If a called wrecker does not arrive within the allotted time, the officer may ask the dispatcher to cancel the original wrecker and order a second wrecker from another company.

V. INVENTORY

A. Authority and purpose

1. A motor vehicle inventory is an administrative procedure designed to protect vehicles and their contents while in departmental custody. The purpose of the inventory is to protect the owner's property and to protect the department against claims and possible dangers. Inventories may be conducted without a warrant or probable cause when:

    a. The vehicle has been lawfully seized or impounded.

    b. Before towing the vehicle for violations, safety reasons, or other purposes as defined by law.

B. Inventory vs. search

1. An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not an inventory but a vehicle search and as such is governed by Policies 7.4 and 7.5.

2. Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked shall not be inventoried. Officers are reminded of the "plain view doctrine" and the limitations upon the authority to search incidental to a lawful arrest. See Policy 7.4 for further details.

3. A vehicle inventory shall be completed whenever an officer assumes responsibility for towing a vehicle, and he or she 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.

C. Inventory procedures

1. 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.

2. Officers shall not force open a vehicle's trunk or glove compartment to inventory the contents if a key is not available.

3. Any evidence, contraband, fruits or instrumentalities of a crime discovered during an inventory shall be handled per evidence procedures.

4. Inventory format will utilized in the Sungard MCT Tow/Impound Module notes section. This will ensure consistency and provide a record of the inventory process.

ARGYLE POLICE DEPARTMENT

Policy 7.17 Communicable Diseases

Effective Date: 05Jul13	**Replaces: 17Feb12**

Approved: _____
Chief of Police

Reference: 8.12

I. POLICY

The 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 officer's fears of possible infection. Personnel shall not refuse to arrest or otherwise refuse to handle any person in a legitimate law-enforcement context, provided that appropriate protective equipment is available. The measures provided herein will assist officers in carrying out their duties while simultaneously minimizing health risks. Officers shall act responsibly in minimizing the risk of infection when dealing with any person, male or female, child or adult, or with any body fluids. A few 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 his/her 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 exits, medications are available to treat the disease.

H. Exposure control program

A written agency plan, available to all employees, which details the steps taken to eliminate or minimize exposure incidents, and identifies at-risk tasks and assignments.

I. Personal protective equipment (PPE)

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 disease control supplies for all affected personnel within their purview. Further, supervisors must ensure that:

1. Hypoallergenic gloves and other materials are available for employees allergic to standard-issue gear.

2. Supplies are routinely inspected, replaced, cleaned.

3. First Aid supplies and disinfectants are available always.

B. The Chief of Police, through his or her subordinate supervisors, shall ensure that the department vehicles will each contain the following PPE supplies at all times:

a. 3 BZK antiseptic towelettes
b. 1 disposable gown w/full sleeves
c. 1 disposable bonnet
d. 2 disposable shoe covers
e. 1 eye shield with ear loop mask
f. 1 fluid control solidifier pack, 21 gm
g. 1 biohazard scoop
h. 2 24 x 24 biohazard bags
i. 2 twist ties
j. 3 disposable clean up towels
k. 2 5 x 8 germicidal wipes
l. 1 pair exam quality vinyl gloves
m. 1 bodily fluid pick-up guide

C. Officers using supplies in their vehicles shall replace them or arrange to have them replaced as soon as possible. Officers shall maintain disposable gloves in their personal possession at all times.

D. The Chief of Police or his designee shall cause to be maintained at the department office the following:

a. ANIS & OSHA Compliance kit composed of:
    i. Two of the listed PPE kits under B. (kitchen)
    ii. First aid kit,(kitchen).

E. 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.

F. 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 shall be worn as determined by the degree of exposure anticipated.

2. Fire Department personnel have access to complete bio-hazard suits and equipment if needed. (TBP: 8.12)

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 should 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 should 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 his or her person, or that the suspect

has stated that he or she has a communicable disease. Booking forms should so state.

D. Handling objects

1. Objects contaminated with body fluids shall be completely dried, double bagged, and marked to identify possible disease contamination.

2. Contaminated items to be disposed of shall be placed in Bio-Hazard 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 needle in any way, but shall place them 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 bio-hazard.

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 his or her mouth which comes into contact with the victim's blood. HIV cannot be transmitted through saliva. With HBV, however, transmission takes place through infected blood or blood-derived body fluids. Infection takes place by exposure of the eyes, mouth, or mucous membranes to the virus. Precautionary procedures to minimize the risk of infection include:

1. Encouraging the wound to bleed by applying pressure and gently "milking" the wound.

2. Washing the area thoroughly with soap and hot 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 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 they 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.

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. IMMUNIZATIONS

Chapter 2.09 of the Town of Argyle Employee Manual sets out the policies procedures for immunizations.

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 he or she has AIDS. Often, a person may try to prevent police from withdrawing blood for drug screening (as in a DWI arrest), although, in fact, he or she 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 test.

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 his/her health. No need exists for a supervisor routinely to know that a person tests positive (for HIV or hepatitis B). The department views a breach of confidentiality as a serious disciplinary problem which may result in suspension or termination of employment.

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 coworkers in the department). The department shall alter an employee's assignment only when he or she can no longer perform the required duties.

2. The department shall ensure continued testing, if necessary, 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 he/she is contagious. A tuberculosis-infected person requires medication and shall not return to work until the doctor says he/she is non-communicable. (Tuberculosis is easily transmitted and its incidence in Virginia has recently shown a slight increase. After exposure to tuberculosis, a person may, after a medical evaluation, take medicine to help prevent the disease.)

F. Job performance

1. 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 his/her job restructured so that he/she can remain employed. As necessary, medical documentation shall support requests for job restructure or reassignment. All personnel shall treat such employees in the same manner as employees who suffer from other serious diseases or handicaps: that is, fairly, courteously, and with dignity.

   The department may require an employee to be examined by the department physician to determine if he she is able to perform his/her duties without hazard to him/herself or others.

G. 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 Human Resources Department 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 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 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

	ARGYLE POLICE DEPARTMENT	
	Policy 7.18 Naloxone	
	Effective Date: 01JUL21	**Replaces: 09OCT17**
	Approved: _____ Chief of Police	
	Reference:	

I. BACKGROUND

Fatal and nonfatal overdose can result from the abuse of opiates such as morphine, heroin, fentanyl, oxycodone as found in OxyContin®, Percocet® and Percodan®, and hydrocodone as found in Vicodin®.

Naloxone, commonly known by the brand-name Narcan®, is an opioid antagonist which means it displaces the opioid from receptors in the brain and can therefore reverse an opiate overdose. It is a scheduled drug, but it has no euphoric properties and minimal side effects. If it is administered to a person who is not suffering an opiate overdose, it will do no harm. Naloxone has been available as an injectable since the 1960s, but was recently developed as a nasal spray.

II. POLICY

To reduce the number of fatalities which can result from opiate overdoses, the Argyle Police Department will train its officers in the proper pre-hospital administration of nasal naloxone. In order to implement a safe and responsible nasal naloxone plan, the Department will establish and maintain a professional affiliation with a Medical Control Physician (MCP) who will provide medical oversight over its use and administration. The Medical Control Physician shall be licensed to practice medicine within the State of Texas. At his/her discretion, he/she may make recommendations regarding the policy, oversight, and administration of the nasal naloxone program developed and implemented by the Department.

In order to implement this policy, the Argyle Police Department relies upon the following statute:

Civil Practice and Remedies Code, Title 4, Chapter 74, Subchapter D. Emergency Care; and Texas Health and Safety Code Chapter 483, Subchapter E.

III. PURPOSE

To give the maximum opportunity for people, including our officers, who may have experienced an opiate overdose to be rescued with naloxone and have a second chance.

IV. DEFINITIONS

A. Opiate: An opiate is a medication or drug that is derived from the opium poppy or that mimics the effect of an opiate (a synthetic opiate). Opiate drugs are narcotic sedatives that depress activity of the central nervous system, reduce pain, and induce sleep. Police officers often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®, Percocet® and Percodan®) and hydrocodone (Vicodin®).

B. Naloxone: Naloxone is an opioid antagonist that can be used to counter the effects of opiate overdose. Specifically, it can displace opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks including Narcan®.

C. Medical Control Physician: The Medical Control Physician, herein after referred to as MCP, shall be a designated Medical Doctor who is licensed to practice medicine in Texas. The Argyle Police department shall maintain an affiliation with the MCP.

V. PROCEDURES

When an officer of the Argyle Police Department has arrived at the scene of a medical emergency prior to the arrival of EMS, and has made a determination that the patient is suffering from an opiate overdose, the responding officer should administer two milligrams (2mg) of naloxone to the patient by way of the nasal passages. One milligram should be administered to each nostril.

A. The following steps should be taken:

1. Officers shall use universal precautions.
2. Officers should conduct an assessment of the patient, to include taking into account statements from witnesses and/or family members regarding drug use.
3. If the officer makes a determination that there has been an opiate overdose, the naloxone kit should be utilized.
4. The officer shall use the nasal mist adapter that is pre-attached to the naloxone to administer a one milligram intra-nasal dose of naloxone to each nostril for a total dosage of two milligrams. Officers should be aware that a rapid reversal of an opiate overdose may cause projectile vomiting by the patient and/or violent behavior.
5. The patient should continue to be observed and treated as the situation dictates.
6. The treating officer shall inform incoming EMS about the treatment and condition of the patient, and shall not relinquish care of the patient until relieved by a person with a higher level of training.

B. Reporting

A complete information and/or offense report shall be completed by the treating officer, or the primary responding officer, prior to the end of his/her shift.

C. Equipment and maintenance

It shall be the responsibility of officers to inspect naloxone kit case prior to the start of each shift to ensure that the kits are intact. Naloxone kits shall be returned to the storage area at the end of each shift.

1. Damaged equipment shall be reported to a shift supervisor immediately.
2. The Department's quartermaster will maintain an inventory documenting the quantities and expirations of naloxone replacement supplies, and a log documenting the issuance of replacement units.

D. Replacement

Officers shall immediately request replacement of naloxone kits that have been used during the course of a shift.

E. Training

Officers shall receive online training on naloxone, and classroom instruction on administration from the MPC and the Department, prior to being allowed to carry and use naloxone. The Department shall provide refresher training every two years.

	ARGYLE POLICE DEPARTMENT
	Policy 7.19 Small Unmanned Aircraft System (SUAS)
	Effective Date: 25JUL22 | **Replaces:**
	Approved: _____ Chief of Police
	Reference:

I. PURPOSE

The purpose of the small, unmanned aircraft system program of the Argyle Police Department is to provide an added resource that enhances the safety of the public we serve as well as the members of the Department. This technology not only allows for safer, more effective and thorough search and rescue operations, it can also provide officers with the ability to view and analyze potential threats on active scenes without placing humans in harm's way. This technology also provides the Department with the ability to capture photographic and video records of incidents for future use in investigations and prosecution.

II. RESTRICTIONS

The Argyle Police Department will respect the privacy considerations of citizens, and the use of aerial patrols will be limited in scope and only used as authorized by the Chief of Police. Any use of a SUAS will be in strict accordance with individuals' Constitutional and privacy rights and the Federal Aviation Administration (FAA) guidelines. The *random* use of the system in residential areas, solely for the purpose of gathering evidence related to criminal wrongdoing or for any other unauthorized purpose, is prohibited.

III. DEFINITIONS

A. SUAS: A SUAS is a Small Unmanned Aircraft System, commonly referred to as a "drone".

B. AGL: Above Ground Level

C. National Airspace System (NAS): The air space is owned and regulated by the Federal Government, specifically the Federal Aviation Administration (FAA). From the ground upward (no defined height limit) is within the jurisdiction of the FAA.

D. ATC: Air Traffic Control

E. Federal Aviation Administration (FAA): The agency of the United States Department of Transportation responsible for the regulation and oversight of civil aviation with the United States and the operation and development of the National Airspace System.

F. COA: Certificate of Authority, document; a document issued by the FAA that allows a 'public entity' to conduct flight operations of a SUAS within a specific area and altitude clearance.

G. Airworthiness: In accordance with current rules and regulations, the airworthiness of the SUAS will be certified by the Chief of Police. Further, it is the responsibility of the Remote Pilot in Charge (RPIC) to ensure that the SUAS is in good working condition prior to any flight.

H. Markings: The SUAS will be clearly marked with the "N" number as required by federal law and further shall be identified as bellowing to the Town of Argyle by prominently displaying "POLICE" in black or blue on the aircraft.

I. Remote Pilot in Charge (RPIC): This individual has total control and authority over the flight operations of the SUAS and is civilly and criminally responsible to State and Federal Agencies tasked regulation of the safe and legal operation of a SUAS in the NAS. The RPIC must continually scan the NAS for possible aircraft incursions or other dangers that require immediate action. Those not certified as a SUAS operator, by holding a Part 107 Remote Pilot License from the FAA, may only operate the SUAS under the **direct** supervision of a RPIC.

J. Visual Observer (VO): This individual is responsible to assist in monitoring the NAS prior to and during flight operations. The VO will, prior to flight operations, survey the area of operations for any hazards to flight operation (Ex: power lines, power poles, towers, radar dome reflectors, buildings, etc.). During flight operations the VO must continuously scan the NAS for possible aircraft incursions and alert the RPIC to any situations that require immediate action. A VO is not required for every flight operation, but in the absence of a VO the individual controlling the SUAS must continuously scan the NAS for hazards.

K. Image: Any capturing of sound waves, thermal, infrared, ultraviolet, visible light or other electromagnetic waves, odor, or other conditions existing on or about real property in this state or an individual located on that property (Tex. Gov't Code § 423.001).

L. Exigent Circumstance Flights: These are SUAS flights that are performed in emergency circumstances where the loss of life and/or property is **imminent**. The use of the SUAS can be requested by any governmental or statutory authority that is designated to deal with emergencies (Ex: Search and Rescue, Tornado, Flooding, Large Fires, etc.). Response to such requests will be approved by a sworn department supervisor prior to deployment by a RPIC.

M. Surveillance Activities: Any *intentional* surveillance flights that fall outside of the search warrant requirements, such as "plain view" (or observation from a location where suspected activity can be legally viewed), are permitted only with authorization from the Chief of Police. Only after authorization is received may surveillance activities begin.

IV. PRIVACY

The use of the SUAS potentially involves privacy considerations.

A. Absent a warrant or exigent circumstances, operators and observers shall adhere to the Federal Aviation Administration (FAA) altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard enclosure).

B. Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

C. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during SUAS operations.

V. USE OF FORCE

A. The SUAS operated by the Argyle Police Department is not equipped with, and is not intended to be equipped with, any type of device capable to delivering a bullet, projectile, aerosol, or any other type of use of force option.

B. Members of the Argyle Police Department shall not consider the SUAS to be a use of force option and shall not alter the SUAS in any manner to utilize it as a use of force of option.

VI. MAXIMUM FLIGHT LEVEL

A. The maximum altitude for the flight of the SUAS is 400' AGL.

B. Flights may exceed this altitude only with higher clearance from the appropriate ATC.

VII. CRITICAL INCIDENT CHAIN OF COMMAND

A. The normal chain of command will be followed at all times during the operation of the SUAS by Argyle PD certified RPICs. Supervisors will become familiar with the operational limitations of the SUAS to ensure that they are not requested in prohibited situations, and RPICs will respectfully notify supervisors if they are requesting flight operations that would be prohibited by state or federal rules or regulations.

B. RPIC/VO –The flight operations team may start/suspend/terminate flight operations at any time based upon current FAA rules and regulations, or safety of personnel and operations area civilian overflight. NOTAMS (Notice to Airmen), SIGMETS (Significant Meteorological Information), AIRMETS (Airman's Meteorological Information) and TFR (Temporary Flight Restrictions) may all be factors in determining flight decisions.

VIII. DESCRIPTION OF SYSTEM

A. The MAVIC 2 Enterprise Advanced is a Small Unmanned Aircraft System (SUAS) and is a rugged and reliable system that provides immediate, real-time airborne situational awareness for a variety of missions. The system is comprised of a Vertical Takeoff and Landing (VTOL) air vehicle, payload, and a handheld controlling device.





B. The MAVIC 2 Enterprise Advanced features an intuitive user interface on a touch screen controller. The SUAS features position-hold (using GPS) and altitude-hold throughout the flight. The MAVIC 2 Enterprise features omnidirectional Vision Systems and Infrared Sensing Systems. The SUAS's Obstacle Sensing technology determines the relative speed and distance between the aircraft and an object, while AirSense provides awareness of the surrounding airspace. There are no "Waypoints" defined by the RPIC in the operation of the system; instead the system, when in Intelligent Flight Mode, uses the location where the SUAS was launched from as "Home" location and as the loss-of-link landing location (see Loss of Link section).

C. The MAVIC 2 also features DJI Go software which provides altitude limits as additional safety features. This software also prohibits flight of the SUAS beyond a user-defined radius, centered at the launch location "Home". Altitude limits prohibit flight of the SUAS above the user-defined maximum altitude.

D. The MAVIC 2 can be launched and recovered in minutes without special equipment on unprepared terrain. The SUAS is battery powered and has low visual, acoustic, and thermal signatures. The SUAS flies up to thirty-one (31) minutes, with no wind, on a rechargeable Intelligent Flight Battery. The standard payload is a 360° rotating gimbal that includes a 4K Ultra, 12 Megapixels camera that shoots video in both standard and infrared formats. The SUAS is typically operated by a two-person team consisting of the RPIC and Visual Observer.

E. Communications are maintained between the aircraft and the remote controller by the use of operating frequency 2.400 -2.483 GHz; 5.725 – 5.850 GHz. Through this connection flight data is transmitted and received by the controller.

F. The MAVIC 2 Enterprise's arms fold in to create a compact profile for storage and transportation. The complete air vehicle, along with the remote controller, is contained in a single hard shell carrying case. A foam liner supports and protects the components from damage. When not being deployed by authorized purposes, the SUAS shall be returned to the carrying case to avoid damage to the SUAS or its components.

IX. SPECIFICATIONS

Payload - High resolution color camera

Transmission Range	- 5km (unobstructed)
Endurance	- 31 minutes flight time on single battery pack (with no wind)
Operating Altitude	- 0-400 feet AGL
Dimensions	- 322x242x84 mm (unfolded)
Control Station	- Dedicated DJI Remote Controller

X. PERFORMANCE CHARACTERISTICS

Max Ascent Speed	- 5 m/s (S-mode), 4 m/s (P-mode), 4 m/s (S-mode and P-mode w/ accessories)
Max Descent Speed	- 3 m/s (S-mode and P-mode)
Max Speed	- 72 kph (S-mode, without wind), 50 kph (P-mode, without wind)
Minimum Speed	- 0 kph
Max Altitude	- 6000 m MSL
Min Altitude	- 0 ft AGL
Takeoff Weight	- 905 g (without accessories)
Max Takeoff Weight	- 1100 g

XI. TRANSPORTATION AND STORAGE

The SUAS has two self-contained transport cases. One is a hard plastic case, with a locking lid that is secured by a combination lock. The interior is compartmentalized to specifically fit the SUAS and its associated equipment to include the controller. The second transport case is smaller and is a canvas case that has a compartmentalized interior designed to carry spare SUAS batteries, a battery charging dock and extra propellors. **The SUAS shall be transported to and from mission locations inside of the hard plastic case and will not be left unattended without being secured and locked in this plastic case.**

XII. COMMUNICATION SYSTEMS DESCRIPTION

A. The system does not provide voice or ATC Communication. If ATC or other communication is required, operators must use a separate device such as a hand-held radio. Typically, the Visual Observer is co-located with the MAVIC 2 RPIC (within speaking distance) and there is no need for communication equipment between the Visual Observer and the RPIC. The RPIC must provide appropriate equipment when remotely located Visual Observers are utilized for situational awareness and see-and-avoid duties.

B. The aircraft utilized a controller specifically manufactured for DJI and the MAVIC 2 Enterprise Advanced.

   The controller operates on the frequencies of:

   2.400 – 2.483 GHz;
   5.725 – 5.850 GHz

   Max Transmission Distance (unobstructed, free of interference):

2.400 – 2.483 GHz; 5.725 – 5.850 GHz
FCC: 1000m
CE: 6000m
SRRC: 6000m
MIC: 6000m

Controller Built in Battery Life: Approx. 2.5 hr

XIII. LAUNCH/RECOVERY

A. The MAVIC 2 design allows for Vertical Takeoff and Landing (VTOL). Launch and recovery and performed similar to traditional helicopter/VTOL operations. The MAVIC 2 requires a relatively flat surface free of larger obstructions and humans (aside from the RPIC and VO) to be used as its launch/recovery location. The MAVIC 2 requires no launch/recovery support equipment.

B. The SUAS includes a gimbaled camera that is positioned underneath the airframe and allows it to look straight down below the aircraft during launch and recovery, allowing the VO to view the launch and recovery locations.

C. The system implements a number of safety features for launch and recovery. The SUAS has a built in "auto launch" and "RTH" (Return to Home). Both functions can be initiated by the RPIC. Pre-flight and post-flight checklists enable the RPIC to identify any issues prior to flight.

XIV. PRE-FLIGHT/POST-FLIGHT CHECKLIST

A. Each time the SUAS is flown, a pre-flight and post-flight checklist will be completed (See attached Exhibit A). These checklists will be maintained by the RPIC for reference purposes.

B. SUAS flight profile and information is also recorded on this form.

XV. SYSTEM EMERGENCY PROCEDURES

A. Normal mission planning procedures include consideration of emergencies for each phase of the flight. The system provides continuous air vehicle status and presents warnings and indicators of various emergency conditions. During flight, RPIC's are responsible for maintaining situational awareness and monitoring data to notice anomalies as soon as they develop. Emergency procedures include information to handle each of the following:

1. Loss of Link (LOL)
2. GPS Failure
3. Structural or Flight Control Failure
4. Extreme Low Air Vehicle Battery

5. Propulsion Failure
6. Controller Failure
7. Altitude Hold Failure
8. Avoiding Collision with Other Approaching Aircraft

B. Emergency Procedures

1. **Loss of Link/GPS Failure/Low Battery/Altitude Hold Failure** – Upon loss of link, the aircraft is programmed to begin a pre-determined Loss of Link (LOL) action. The aircraft will climb to a pre-programmed "safe" altitude and will then return to the LOL landing location. The LOL landing location is always the same as the launch (RTH) location for the mission. The only modification that can be made to this flight path is vertical movement. The SUAS will automatically go into hover mode as it returns to the LOL location, and the RPIC can utilize the controller to control the height of the SUAS and initiate a controlled landing. The second option is to override the RTH upon regaining signal and land the aircraft immediately.

2. **Structural Flight Control Failure/Propulsion Failure** – In the event of this type of failure, the aircraft will immediately terminate flight operations and safely land as quickly as possible.

XVI. AVOIDANCE OF OTHER AIRCRAFT

It is the responsibility of the RPIC at all times to be aware of the "National Air Space" and the possibility of intrusion of the SUAS in the flight path or operational area of any aircraft. The MAVIC 2 is equipped with sensors which alert the RPIC to the presence of other aircraft via an audible tone through the controller. If the SUAS is in the flight path of any aircraft, the RPIC shall immediately give way to the other aircraft or land the SUAS.

XVII. MEDICAL EMERGENCIES

A. In the event of a medical emergency with any personnel involved with a flight, or any civilian, flight operations will immediately cease, and EMS shall be contacted. An Argyle Police Department incident report will be completed and forwarded through the chain of command to the Chief of Police.

B. Because Argyle Police Department personnel operate a SUAS under Part 107, an event will be reported to the Federal Aviation Administration (FAA) within **ten** days if the event involves:

1. Serious injury to any person or any loss of consciousness; or

2. Damage to property (other than the unmanned aircraft) unless the cost of repair, including labor and materials, does not exceed $500, or the fair market value of the property does not exceed $500 in the event of a total loss

XVIII. REPORTING

Incident reports will be completed, and applicable authorities notified in compliance with the regulations governing flights under Part 107. Any incidents pertaining to the performance of the aircraft or other parts of the system will be reported to the manufacturer.

XVX. ATC NOTIFICATION

A. In an emergency situation, should it become necessary to contact one or more of the ATC facilities, VHF radio communication via the appropriate frequency shall be the preferred method. If VHF radio communication is not possible, traditional or cellular phone contact will be made.

B. Local ATC possibly affected: Denton Enterprise Airport (KDTO), Fort Worth Alliance Airport (KAFW)

	ARGYLE POLICE DEPARTMENT	
	Policy 7.20 Patrol Operations	
	Effective Date: 20MAY21	**Replaces: 17Feb12**
	Approved: Chief of Police	
	Reference: TBP: 7.01.1	

I. POLICY

Patrol is the primary activity of law enforcement that includes much more than driving through neighborhoods looking for evidence of lawbreaking. The department expects officers to conduct patrol vigorously to enforce traffic and criminal laws, answer complaints, conduct investigations, promote community-relations activities, and prevent crime.

II. PURPOSE

To define and outline general procedures for patrol operations. Procedures for handling specific calls for service are presented in the Patrol Standard Operating Procedures.

III. ORGANIZATION AND ADMINISTRATION

A. Organization

The Patrol Division is commanded by two Sergeants and is comprised of officers assigned to both the Patrol and Traffic functions.

B. Hours of Operation

The Patrol Division operates on a 24 hour a day, 7-day a week schedule. (TBP: 7.01.1)

C. Patrol Division Responsibilities

1. Responsible for the preliminary investigation of calls for police services, accident investigation, traffic enforcement, crime prevention, those duties which by their very nature require the actions of a police officer, and assignments which may be given by a commanding officer.

2. Composed of designated shifts, each under the command of a police sergeant or other designated supervisor who reports to the Police Chief.

D. Traffic Section Responsibilities

1. Responsible for primary service related to traffic operation, including, but not limited to, traffic enforcement, accident investigation, designated traffic direction and control, and assignments that may be properly given to them.

IV. PROCEDURES - Conduct while on patrol

A. Officers shall acquaint themselves with the geography of their patrol assignment, and particularly the location of highways and traffic hazards. Officers shall also become familiar with the names and addresses of habitual criminals and law violators, first aid stations, hospitals, fire and rescue stations, magistrates, general district and county courts, medical examiners, public and private social service agencies, and any other public or private officials that prove helpful in the administration of their duties.

B. Officers shall promptly respond to all calls dispatched to them. Calls which appear to be a risk to the physical well being of a person take precedence over calls which are reporting danger or loss of property. In all cases, when dispatched to a call, the officer will respond directly and expediently.

C. Officers shall initiate investigations into suspicious activities to prevent criminal activity. Patrol Officers are responsible for the Preliminary Investigations of criminal offenses occurring in the city.

D. When an officer observes a violation of the law, subject to the authority and discretion discussed in Policy 1.2, he or she shall either (1) warn and release, (2) arrest, or (3) issue a summons to the violator to appear before the court having jurisdiction.

E. Without exception, officers transporting non-department civilians (non-employees) shall notify the dispatcher of the transport. The transport should be recorded on the in-car video system.

F. To the capabilities of their training and qualifications, officers shall provide general and emergency assistance to motorists. Assistance includes providing information and directions, assisting stranded or disabled motorists, and obtaining medical and other emergency assistance. Officers shall, within reason, ensure that the requested service is provided in a timely fashion. If, after arranging for assistance, the officer is unable to remain with the motorists until help arrives, he/she shall take the necessary steps to provide safety to the motorists or arrange for transportation. If the need arises, officers may transport a motorist to a place of safety.

V. COMPLIANCE WITH PATROL STANDARD OPERATING PROCEDURE

A. The patrol Standard Operating Procedure is designed to provide direction to all officers in patrol operations and the handling of routine calls.

B. All officers who respond to calls for service or assist patrol officers will become familiar with the operational procedures. Officers are expected to follow the Patrol SOP unless specific other actions are approved or directed by a supervisor.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.30 Traffic Enforcement	
	Effective Date: 03SEP21	**Replaces: 01Aug13**
	Approved: Chief of Police	
	Reference: TBP: 7.21, 7.22, and 7.28	

I. POLICY

Traffic 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, 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: 7.28.1a)

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 strictly 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: 7.28)

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 should 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: 7.28)

a. In compliance with Transportation Code 543.002, officers may 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 the offenses of Speeding or violation of the Open Container law.

b. If the violator refuses to sign the citation, the officer may write "Refused to Sign" in the signature block and issue the citation to the subject. The officer should also utilize the photo function in the handheld citation writer to capture an image of the violator and save this image with the citation.

C. Handling special categories of violators

1. Juveniles

Juvenile traffic offenders are prosecuted in Municipal Court. Juveniles in this article are defined as a person who is at least 10 years of age and younger than 17 years of age. Officers issuing traffic citations to juvenile offenders shall advise them that a parent or guardian must accompany them when they appear before the court.

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. If a member of Congress is stopped for a traffic infraction, upon presentation of valid credentials, he or she shall be released immediately. The officer may then obtain a summons for the member of Congress covering the observed violation and make arrangements to serve the summons at a time when the member of Congress is not in transit to or from Congress or on official business.

D. Information regarding traffic summons

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. Answer the motorist's questions about the summons as thoroughly as possible.

IV. TRAFFIC LAW ENFORCEMENT PRACTICES - General

Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their duties.

A. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.

B. Line patrol involves traffic enforcement with concentration on a particular section of roadway.

C. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.

D. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location.

E. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind other drivers to comply with traffic laws.

F. Objectives of traffic stops

1. The two primary objectives of any traffic stop are

   a. to take proper and appropriate enforcement action; and

   b. to favorably alter the violator's future driving behavior.

2. Achievement of these objectives requires the officer to evaluate the violator's mental and physical condition when assessing the facts of the violation itself. In achieving these objectives, officers must exhibit flexibility to minimize conflict or argument with the violator.

G. Stopping a Violator / Issuing a Citation (TBP: 7.28)

1. Rules to be followed in all traffic stops:

    a. Be alert at all times 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.

        iii. A description of the vehicle including the color, make, and model.

    e. The officer should position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol vehicle should be positioned so that it will offer the officer some protection from oncoming traffic.

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 practical;

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 should ensure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.

b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer should direct him or her to move to a safer location. Officers should 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 should quickly leave the patrol vehicle and instruct the violator.

c. At night, officers should exercise caution in selecting an appropriate place for the traffic stop. Once the violator has stopped, to maximize officer safety, use the spotlight and set the head lights for high-beam, and employ emergency bar lights and emergency flashers.

5. Approaching the violator (Left side Approach)

a. The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Follow these procedures unless circumstances dictate another reasonable method.

b. After properly advising the dispatch of the traffic stop, location, and vehicle license number, the officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.

c. The officer shall approach from the rear of the violator's car, look into its rear seat, and stop behind the trailing edge of the left front door. On busy roadways, officers should consider the option of approaching the vehicle from the passenger's side (right) for officer

safety. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, and at the same time keep all occupants of the vehicle in view.

d. In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach to the trailing edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.

e. In traffic stops made by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write all notes, and act as an observer and cover for his/her fellow officer.

6. Communicating with the violator

In transacting business with the violator, the officer shall observe the following rules.

a. Greet the violator courteously with an appropriate title (Ex: Sir, Ma'am)

b. Identify him/herself by providing the officer's rank, name, and department (Ex: "I'm Officer Jones with the Argyle Police Department)

c. Inform the violator what traffic law he or she has violated.

d. Ask for and accept only the violator's driver license and insurance. (Unless it is a commercial vehicle, then cab card, vehicle registration, bill of lading etc are acceptable paperwork request).

e. If the driver has no driver's license, obtain another document of identification.

f. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.

g. Complete the forms required for the enforcement action and inform the violator of the enforcement action being taken, or give an oral warning, if appropriate.

h. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear.

i. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

7. Conducting the transaction

a. Return the violator's driver's license, insurance, and a copy of the citation or warning, if given.

b. Release the defendant after he or she signs the summons and receives a copy of the summons.

c. Assist the violator in safely re-entering the traffic flow.

d. Do not follow the violator.

V. CITATION ACCOUNTABILITY

A. Citation Book Security (TBP: 7.22)

1. The Argyle Police Department utilizes handheld electronic citation writers and maintains paper citations only as a backup for times when the electronic citation writers malfunction or are otherwise unavailable.

2. Citation issuing information, records and storage of citations is the responsibility of the department Quartermaster. The Chief or designee will place an order when new paper citations are needed. The Quartermaster will verify the number of books delivered and place them in a designated secured area.

3. When paper citation books are issued, the Quartermaster will record the citation numbers and officer's name and ID onto the citation issue log.

4. Officers are directly accountable for each paper citation issued to them. While it is permissible for one officer to use a citation out of another officer's assigned book, the assigned officer should not loan the entire book to a fellow officer. The assigned officer is still responsible for the citations issued. Failure to be able to account for each citation issue may result in disciplinary action as appropriate.

5. Officers who make errors on a citation and choose not to issue the citation will write "VOID" and the reason for the voiding on the citation, staple all copies and forms together, and turn in the remaining copies to their supervisor

at the end of shift. (Violator's copy must be attached.) The supervisor will forward the citation to Municipal Court.

6. Officers who discover errors after citations have been sent to Municipal Court must prepare either a Request for Dismissal or an Affidavit of Substitution to request that the violations be amended, including any pertinent information regarding said changes, and send the request through their supervisor for approval and forwarding to Court.

7. In the event changes have been made on the violator's paper copy of electronic citations before issuance to the defendant, the officer shall note that the change has been in the notes field on the handheld citation writer. The officer should also narrate out loud the changes that have been made in order to capture this on the body worn camera.

8. The Quartermaster will perform a quarterly inspection of paper citation books not yet issued to ensure they are accounted for and that the inventory log is being maintained properly. Discrepancies will be reported to the Chief by memorandum.

9. The electronic citation program has the below listed functionality:

    a. The officer enters a citation with all applicable data into the handheld citation writer and saves the record.
    b. A citation number is generated from an electronic bank of numbers stored in the Brazos system.
    c. An audit record is created in the Brazos system to show that the officer requested and received a citation number.
    d. The officer can then print the citation or written warning for issuance to the violator.
    e. When the officer returns to the police station, the officer "syncs" the citation writer with the Brazos server to download any citations or written warnings issued.
    f. Once the record has been submitted (citation writer has been "synced"), the submitted citation is transferred to the Brazos web portal and the Court.
    g. Citations that are written for infractions occurring outside the Town limits of Argyle, but inside the Town's extra-territorial jurisdiction (ETJ), are written to and adjudicated in Denton County Justice of the Peace Precinct 4. A copy of these citations is printed and forwarded to the court by the Chief's Admin.
    h. Only an administrator (Chief or his designee) can delete the record in the Brazos online portal.

VI. TRAFFIC RECORDS SYSTEM

A. The Traffic Officer is responsible for compiling the following traffic information:
   1. Traffic Accident Data (to include location and accident causes)
   2. Traffic Complaints
   3. Traffic engineering deficiencies

B. The Traffic Officer is also responsible for compiling traffic enforcement data to include:
   1. Analysis of traffic accidents
   2. Analysis of traffic enforcement activities
   3. Implementation of Selective Enforcement techniques and procedures
   4. Deployment of traffic enforcement personnel
   5. Evaluation of selective enforcement activities.
   6. Note: Selective enforcement refers to selecting location and type of offense to enforce to address a particular problem. It does not refer to the selection of specific individuals to receive enforcement action.

C. Annually the Traffic Officer will prepare and distribute to patrol personnel the analysis of accident data and contributing factors. Any recommendations for enforcement and selective enforcement at high accident locations will be included.

VII. 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.

VIII. SPECIAL TRAFFIC PROBLEMS

A. 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.

B. Off-road vehicles (including dirt bikes, motorized scooters, and ATVs)

1. Accidents involving off-road vehicles that do not occur on a public highway do not require a traffic accident report. If the responding officer finds it convenient, he or she may complete an accident report and attach it to the offense report.

2. Any officer observing an unlicensed off-road vehicle on the highways that cannot be operated legally on public highways shall order it removed and enforce appropriate laws.

3. Officers shall enforce compliance with vehicle registration laws as they pertain to off-road vehicles.

4. Officers shall enforce laws, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks, or property.

IX. ESCORTS

A. General rules

1. Officers shall not provide emergency or non-emergency escorts for private vehicles. If a medical emergency exists, then an ambulance should be summoned.

2. Officers may provide escorts of vehicles with oversize or hazardous loads. These escort duties shall be conducted under the authorization of the Chief of Police or the on-duty supervisor. The Chief shall coordinate the escort with the authority having control over the escorted vehicles. Further, the escort shall take place only per a written plan approved by the Chief.

B. Funeral escorts

1. Officers may provide funeral escorts with marked vehicles. The escort duty shall be conducted under the authorization of a supervisor only. Further, the escort shall take place per an articulated plan approved by a supervisor.

2. 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.

3. 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.

4. No escorts shall be provided if the body of the deceased is not in the procession.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.31 Accident Investigations	
	Effective Date:17Feb12	**Replaces:**
	Approved: _____ Chief of Police	
	Reference: TBP: 7.16.1	

I. POLICY

An objective of the department is the reduction of motor vehicle accidents. To accomplish this, the department performs a variety of functions such as providing emergency service to the injured, protecting the accident scene, conducting accident investigations and follow-ups, preparing reports, and taking proper enforcement action. The 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 Department of Public Safety and the Department of Transportation at the state level, and by the town 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: 7.16.1)

A. Accident report and investigation, general

1. 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 $1,000.00.

   c. Hit and run.

   d. Impairment due to alcohol and drugs.

2. Officers should 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 may 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 should park their vehicles as necessary to protect victims and the accident scene, while still leaving room for ingress/egress of 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, wreckers).

   c. Protect the accident scene.

   d. Preserve short-lived evidence (broken parts, skid marks).

   e. Establish a safe traffic pattern around the scene.

   f. Locate witnesses 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. He or she 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 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. Issue or explain the self-reported (blue) accident forms to the 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 district attorney may decide the appropriate charge.

4. If the investigating officer concludes that the accident was caused by a person driving under the influence of intoxicants (DWI) and the defendant is still at the scene, the DWI arrest shall be made before transport.

5. If the driver is transported to the hospital before the officer arrives and if the officer later concludes 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.

C. Accident scene procedures

1. Upon notification of an accident, the officer assigned shall proceed promptly depending on injuries. The patrol vehicle shall not be parked at the scene in a manner that will endanger other pedestrians or motorists. The officer should consider using the vehicle as a shield to protect the scene as well as him or herself. 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. Officers should use flares, or other lighted devices (available in each patrol vehicle) to create an illuminated warning pattern to alert other drivers. Note that flares may be dangerous at accidents where hazardous materials are present.

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. State law requires any person clearing a wrecked or damaged vehicle from a highway to remove 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, TxDOT or the town public works services may be requested. The fire department may assist in washing down combustible substances.

5. 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 crash report may be filed with the Texas Department of Transportation if the accident results in the injury to or death of a person or property damage to an apparent extent of at least $1,000.00.

2. Accidents that do not meet reporting requirements may still be reported by the vehicle operators to the Texas Department of Transporation using the self reported crash form or (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, or use jump boxes, if a jump-start is required.

3. Officers should 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.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.40 Investigations	
	Effective Date: 30APR21	**Replaces: 26MAR12**
	Approved: _____ Chief of Police	
	Reference: TBP: 7.04, 7.05, 7.09 and 7.10	

I. POLICY

The primary purpose of an investigation is to collect facts leading to the identification, 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 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. DEFINITIONS

A. Serious Crime – For purposes of this policy, any felony offense involving a crime against a person or property or any misdemeanor offense resulting in injury to a child under 17 or elderly person over the age of 60, any sexual offense, and all domestic violence and/or hate crimes.

IV. PROCEDURES - PRELIMINARY INVESTIGATIONS

A. General

The preliminary investigation often begins with the 911 call and when the first officer arrives at the scene of a crime (or a citizen requests help) and continues until a specialized investigator arrives and assumes responsibility.

While 911 dispatchers may contribute to information gathered for a preliminary investigation, patrol officers are responsible for the preliminary offense report in all cases unless specifically directed by a supervisor.

B. The 911 Dispatcher's Role

The role of the dispatcher is in receiving calls for service or reports of crimes and sending officers to the scene to investigate. During this process, dispatchers play a critical role in obtaining information, including the presence of weapons, which may be of importance in both ensuring an officer's safe arrival and ultimately whether the case may be solved.

The Argyle Police Department receives dispatch services from the Denton County Sheriff's Office.

C. 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.

D. 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 within the limits 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 should contact their supervisor to call for appropriate Crime Scene Investigation officers.

8. Interviewing and obtaining written statements from the victim, witnesses, and suspects. Checking with dispatch personnel regarding any information provided during the original call from the scene.

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 or RMS.

E. Follow-up

1. The initial stages of all preliminary investigations, including crime scene processing in some cases, may be conducted by patrol officers.

2. Patrol officers will conduct follow-up investigations in most misdemeanor crimes. In certain serious crimes as defined, investigators will assume responsibility for completion of the investigation.

F. Supervisory responsibilities

1. The on-duty or on-call 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 and approve crime reports through RMS.

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 investigator, if appropriate. If the supervisor determines the need for a larger scale crime scene process that goes beyond the abilities and expertise that Argyle PD has, call DCSO communications and have the CID supervisor contact you. DCSO CID supervisor will evaluate the situation over the phone with the Argyle supervisor and then notify their crime scene to respond. To expedite the arrival of crime scene technicians, they should be called in order of priority listed below.

a. Denton County Sheriff's Office Crime Scene has officers trained and available to assist our agency at any crime scene.
b. Regional Crime Scene Units
c. Federal Bureau of Investigations Evidence Recovery Team.

4. The supervisor may enlarge the preliminary crime scene if necessary by assigning officers to canvass the area for possible witnesses or suspects.

V. 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 will be followed up by an investigator. The initial responding officer is responsible for completing the original offense report with all details of the preliminary investigation included in the report.

B. Duty upon striking vehicle/object and Hit and Run offenses will be assigned to the traffic detail for follow up. All other offenses may be investigated by the responding officer unless otherwise directed by the on-duty or on-call supervisor. Should the responding officer believe the follow-up investigation is either beyond their ability (either because of lack of expertise, shift assignment, or other reason) they will contact their supervisor for direction.

VI. 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 or on-call 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 an investigator, or overtime authorized.

B. A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion that he or she works on it. A supplement recording the investigating officer's activity, information developed, and case status shall be submitted through RMS.

C. Officers and investigators 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 Investigators shall consult with their supervisors for additional assistance if cases with workable leads are unable to be completed.

D. Victims will be kept informed of the status of the case periodically and will be notified if the case is closed or suspended.

E. Supervisors and the investigator have access to a log of cases being worked by officers. This "investigator dashboard" is updated regularly by RMS as to when status supplements are received or when the case is closed or suspended. The investigator and supervisors will keep the Chief of Police informed of the status of significant criminal cases.

F. 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 investigators/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 District Attorney in preparing cases for court presentation and assisting in the prosecution.
    r. Testifying in court.
    s. Arranging for polygraph examinations, if necessary.

VII. 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 should 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. Results of interrogation of suspects.
9. Diagrams, sketches, photographs, or videotape taken at the scene, and the identity of the photographer or artist.
10. Recommendations for further investigation.

VIII. SOURCES OF INFORMATION

A. Informants

Information is available from many sources, e.g., members of the community who wish to remain anonymous, criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in crime. These sources shall be kept in mind when conducting investigations and interviews. Officers are cautioned to determine the motivation of people who provide information in order to evaluate it. For guidance on handling informants, consult Policy 7.43.

B. Interviews and interrogation

1. Field interviews

Field interviews are a productive tool and source of information for the department. They shall be used only in the pursuit of legitimate enforcement goals. When used properly they can discourage

criminal activity, identify suspects, and add intelligence information to the files of known criminals. Field Interviews should be documented in RMS.

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 "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. Other forms of documentation, such as through the body worn camera is encouraged.

e. Officers arresting deaf suspects shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.

f. Officers arresting suspects who they believe may have limited English proficiency shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.

3. Invoking the Right to Silence

a. When a suspect invokes his right to remain silent, all interrogation shall terminate immediately.

b. Officers may interrogate a suspect who has previously invoked his right to silence, if, after the passage of time, the suspect initiates communication with officers. However, prior to questioning Miranda warnings shall be re-administered and a signed waiver obtained.

4. Invoking the Right to Counsel

a. If a suspect waives his right to counsel, a waiver shall be obtained prior to questioning. When a suspect makes reference to counsel but his intentions are unclear, officers may question the suspect further to clarify his intentions. When a suspect invokes his right to counsel, all interrogation shall cease immediately.

b. The suspect may not again be interrogated about the crime for which he is charged, other crimes, or by other officers (from this or other agencies) unless 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 his Miranda rights and indicates he is waiving his 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.

5. Other Interrogation Requirements

a. Parents or guardians shall be notified when a juvenile is interviewed or interrogated, taken into custody, or charged. The juvenile does not have a legal right to have his/her parents or guardians present when interviewed. A juvenile's parents or guardians do not have to be present when he/she is interviewed. Parents and guardians requesting to be present when the juvenile is interviewed may do so at the discretion of the interviewing officer/investigator.

b. The interviewing officer or investigator shall be the only person in the room with a juvenile during the interview, unless the parent or guardian has been permitted to be present.

c. Non-custodial interviews of juveniles may be conducted after the interviewing officer or investigator has advised the juvenile that he/she is free to leave at any time, is free to terminate the interview at any time, and the juvenile knows he/she is not under arrest or being detained. There are to be no handcuffs or restraints on the juvenile. If the interview is taking place in a room, the door is to remain open and the doorway accessible to the juvenile. The interview shall be recorded and an attempt to obtain a written statement will be made. The juvenile is **not** to be detained or arrested at the conclusion of the interview.

d. Custodial interviews of juveniles require the juvenile to go before justice and municipal court judges to magistrate juvenile offenders by reading statutory warnings to them that are similar to the Miranda warnings given to adult offenders. These warnings must be given to a child who is in custody before making any written or recorded statement or confession. The magistrate must be satisfied that the child knowingly, intelligently, and voluntarily waives or gives up these rights before and during the making of the statement and signs the statement in the presence of the magistrate. Law enforcement shall not present while the magistrate is with the juvenile and no firearms may be worn during the interview.

e. The number of officers engaged in the interrogation of an adult shall be kept to a minimum. The interrogation shall be as short as possible.

f. Interrogations should not extend more than 5 continuous hours without a break for a meal. Water and toilet breaks should be given frequently if requested by the suspect. These breaks should be documented in the record.

g. Suspects will occasionally want to make "deals" to provide specific information. Often this is in the form of a promise of a reduced sentence or non-prosecution. Members of this department are prohibited for making or promising any deals or agreements without the express consent of the District Attorney's Office. If a suspect requests such an arrangement, and if the investigating officer feels it would be beneficial to the completion of the investigation, the investigator will obtain supervisory approval to contact the District Attorney's office for guidance.

6. Duty to Report Exculpatory Evidence

a. Both field officers conducting Preliminary Investigations and Investigators conducting Follow-up Investigations are required to report to the Prosecutor in any criminal case, any exculpatory information or evidence gained during an investigation. Officers and Detectives must ensure this information is properly recorded in departmental reports and made part of the Prosecution file.

b. This obligation to report includes that which comes to the attention of the officer after prosecution has begun or is completed.

c. Investigators will investigate exculpatory information to determine its validity to the extent required by the District Attorney.

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 custodial interrogations involving serious crimes as defined by this department. Officers should record noncustodial interviews with suspects, witnesses, or victims during the initial interview phase of an investigation.

3. Electronic recording of juveniles shall be conducted in a juvenile processing room equipped with audio and video recording devices.

4. 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.

5. Recording Protocol

    a. Suspects do not have to be informed that they are being recorded unless required by law.
    b. Interrogations and confessions shall be recorded in their entirety starting with the interrogator's entrance into the interview room and concluding upon departure of the interrogator and suspect.
    c. When commencing the recording, the primary interrogator shall ensure that voice identification is made of officers, suspect, and any others present, and that the date, time, and location of the interrogation is verbally recorded.
    d. When beginning a new recording, the interviewer shall announce the date and time that the interrogation is being resumed.
    e. Each recording shall include the following:
        i. Declaration of the time the recording began.
        ii. Declaration of the start of the interrogation.
        iii. Concurrence by the suspect that the interrogation has begun.
        iv. Administration of Miranda warnings, even if the recording is a follow up to a prior interview or the suspect has been previously Mirandized.
        v. Notation of the time the interrogation ends.
        vi. Any lapse in the recording for comfort breaks or other reasons shall be accounted for on the recording. As an alternative, during a short recess, the recording may continue without interruption. Recording attorney-client conversations is prohibited.
        vii. At the conclusion of the interrogation, the interrogator shall state that the interrogation is concluded and note the date and time of termination. The recording shall continue until all parties have left the interrogation room.

    f. Recordings of interviews are considered evidence and shall be handled as such. In addition, the following shall apply:
        i. The reporting detective's follow-up report shall note if and how the interview was recorded.

ii. All recordings shall be governed by this department's policy and procedures for the handling and preservation of video/audio 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.

IX. 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:

2. All statements or confessions are voluntary and non-coercive.

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

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

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

6. 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.

X. RELATIONSHIP WITH DISTRICT ATTORNEY

A. All personnel shall respond to requests for appointments from the District Attorney, be on time, and have the subject for discussion ready.

B. In every contested case, misdemeanor or felony, the officer involved should make an appointment with the District attorney or his or her assistant 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 District attorney. Questions on law-enforcement procedures shall be addressed to the on-duty or on-call supervisor.

D. The District 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.

XI. DISPOSITION OF CASES

A. The officer or investigator shall maintain files of all cases assigned to him or her. To the extent possible all cases should be handled through RMS. 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 investigator deems pertinent will be uploaded or placed in an appropriately labeled case file.

B. When the investigation is complete, the investigator shall close the case under (and document in RMS) one of the following labels:

1. Cleared (by arrest) - An arrest has been made in this case.

2. Exceptionally Cleared - The identity and address or exact location of the culprit is known and sufficient evidence to obtain a warrant exists. However, due to some reason outside the control of the police, no arrest will be made. Examples: Complainant will not prosecute; District attorney will not prosecute; perpetrator is dead; subject arrested by another jurisdiction and no charges will be placed by the department.

3. 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.

4. Suspended Pending Inactive - All leads have been exhausted. No further investigation is possible or practical until new leads develop.

C. The officer's or investigator's supervisor shall approve the case closure.

D. Upon closing the case, the case file is forwarded to the records custodian for filing.

XII. FILING OF CRIMINAL CASES

A. A case report should be filed with the DA's office within 10 days of a defendant's arrest unless the District Attorney's office requires lab results prior to filing.
   1. Defendants currently incarcerated should have their case report filed within 10 days.
   2. Felony Drug cases and misdemeanor DWI cases pending lab results cannot be filed until the results are returned from the lab and must be filed within 10 days of receiving the lab report.
   3. Exceptions to filing deadlines must be approved by the Chief of Police.

B. The Argyle Police Department is a participant of E-filing with the Denton County District's Attorney's Office (DA).

C. All criminal cases filed with the DA's office must have:

1. A Denton County Case Report cover sheet (DA Form).
2. A complete criminal history.
3. A signed probable cause affidavit. (required on all misdemeanor offenses)
4. A copy of the CR-43 or CR-43J with the TRN and TRS number provided.

D. All adult felony drug cases filed must have:
1. Narcotics Case Checklist (DA Form)
2. Lab submission form and results, unless the defendant is still incarcerated.

E. All juvenile felony drug cases filed must have:
1. Narcotics Case Checklist (DA Form)
2. Lab submission form
3. Juvenile cases must be filed within 10 days.

F. All criminal cases filed must include all video, audio and photographic evidence available when filed this includes, but is not limited to the following:
1. 911 recordings.
2. In-car and body worn camera videos
3. Assisting agencies' video(s) and supplements
4. Interview room video
5. Recorded statements of defendants or witnesses
6. Evidentiary photographs

G. All Accident Involving Damage to Vehicle and Duty upon Striking an Unattended Vehicle/Object cases shall include a written damage estimate at the time the case is filed.

H. In no event shall digital images which depict a child younger than the age of 18 years of age who is engaging in sexual conduct as describe in the Texas Penal Code be transmitted via the Denton County e-file system. Users shall manually file all cases containing information pertaining to these child victims.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.41 Crime Scene Processing	
	Effective Date: 16MAR12	**Replaces:**
	Approved: Chief of Police	
	Reference: TBP: 12.02.1	

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 investigator 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/investigators 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, video evidence, photographs or latent print are the only physical evidence present.

B. The department has a number of investigators trained and equipped to collect physical evidence. Patrol officers will contact their supervisor and the supervisor will determine the need for an agency assisted crime scene where the evidence present is beyond the capabilities of the officers training or equipment.

C. The officer/investigator responding to a crime scene shall make a determination of equipment needed for processing. The 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/section in OSSI Sungard shall be used to document all property and evidence coming into custody of the department.

E. Officers and investigators shall use the following general order of processing crime scene 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, investigators 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. Take 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/investigator 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.

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 officer shall use tongs or tweezers where possible. The officer shall avoid touching the evidence with his hands or anything that might contaminate the item.

2. Officers shall wear 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 investigator shall develop his own identifying mark, normally his or her 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:
    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 investigator shall check all confiscated or found weapons against NCIC/TCIC files.

    b. Narcotics
        i. Items should be weighed in their original container and should not be handled by the officer or dumped onto the scale.

ii. Items should be packaged individually for ease of processing by the laboratory in accordance with their established policy.

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 after following all procedures of the local office of the Texas Alcoholic Beverage Commission.
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 investigator who processed the crime scene coordinates with the evidence custodian 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 coordinate with the evidence custodian for submitting 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 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.

	ARGYLE POLICE DEPARTMENT	
	Policy 7.42 Eyewitness Identifications	
	Effective Date: 01JUL21	**Replaces: 25JUN12**
	Approved: Chief of Police	
	Reference: 7.32	

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 an investigator 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 Investigator***. The officer 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. ***Illiterate Person.*** An individual who speaks and understands English but cannot read and write English.

I. ***Interpreter.*** An individual with the necessary skills that enable them to communicate with an illiterate person or a person with limited English proficiency to the degree they can ensure the person clearly understands all instructions given to them prior to viewing a suspect in any identification procedure.

J. ***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.

K. ***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.

L. ***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.

M. ***Sequential Viewing.*** An identification procedure in which photographs are shown one at a time to a witness.

N. ***Simultaneous Viewing.*** An identification procedure in which all photographs are shown at the same time to a witness.

O. ***Suspect.*** An individual who has been specifically identified by the investigation as possibly being the person who committed the crime.

P. ***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 number of individuals with similar physical characteristics. Should an investigator determine a need for a live line-up, the investigator should contact the District Attorney for procedural and technical assistance and the line-up should be carried out at a facility conducive to performing a live line-up and 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 Investigator 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. Whenever possible, the investigator will contact the Texas Department of Public Safety (DPS) to request a group of drivers license photos, to include the suspect, which are similar in physical characteristics to the suspect.

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 investigator 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. Obtaining a sworn law enforcement officer who is familiar with the contents of this policy and understands the line-up presentation process to act as a blind administrator of the line-up. The investigator will also give the officer who is administering the line-up a copy of written directions to follow during the line-up process.

4. Preserving the photo line-up, whether an 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, and audio/video recording of the administration process into evidence after the procedure.

5. Preparing the photographic line-up; the Assigned Investigator 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 investigator, 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 investigator, 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. The Administrator (who may be the assigned investigator) is responsible for:

1. Ensuring that everyone associated with the line-up is 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. If a blind administrator is utilized, returning all line-up materials and documentation to the assigned investigator.

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 investigator preparing the lineup should ensure the assisting officer is given a copy of written directions to follow during the line-up process.

C. 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.

D. 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 investigator to determine if the identification process should continue. Document this action in the supplement report.

E. Provide the witness with a Photographic Lineup Form and explain the instructions for the line-up. Instructions given to the witness prior to viewing a photographic line-up can facilitate an identification or non-identification based on the witnesses' memory. The officer conducting the line-up should (1) Read the instructions and admonitions verbatim from the form, (2) ensure the witness understands the instructions before proceeding, (3) obtain the witness' signature indicating they understand the procedure, and (4) sign the form as "Administrator." Any instruction given to the witness prior to the procedure shall include a statement that the person who committed the offense may or may not be present in the procedure.

F. 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.

G. 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 they are about their identification. No person shall suggest wording of any kind to the witness. If the witness seeks clarification an officer shall only reply that the statute requires the statement of confidence to be in the witness's own words.

H. Show the remaining photographs even if a suspect is identified.

I. Complete the Statement of Witness portion of the form, including documenting the witness' confidence statement in their own words, regarding how certain they are of any identification. Have the witness complete and sign the appropriate portion of the form. Return all files, photographs and forms to the assigned investigator 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 suspect was picked.

VII. DOCUMENTATION OF PHOTOGRAPHIC LINE-UPS

All presentations of photographic lineups to witnesses will be video and audio recorded unless the below issues prevail. The recording device will be turned on prior to entering the room and all parties will be identified. Upon completion of the presentation process, the video/audio recording will be placed into evidence per agency policy. The administrator will also complete a detailed supplement report outlining the line-up presentation process and results. The recording, supplement report and original of all photographs and the Photographic Line-up Form will be returned to the assigned investigator.

If the witness is afraid or refuses to be recorded, or if the identification process might put the witness in danger if subsequently identified, a detailed written report in an offense supplement outlining the line-up presentation process and result will substitute for the video and audio taping. Information shall be included in the report as to why the recording process was not used.

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 field identification. If the witness indicates they are unsure if they can identify the individual, 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 their understanding of the procedure.

2. The Officer will video/audio tape the witnesses viewing using either the in-car or body worn camera system and document the witness' comments regarding the suspect on the Field Identification Form. The Form will be given to the assigned investigator who will include the Form in the original Case Report.

ARGYLE POLICE DEPARTMENT
Photographic Lineup Form

Case Number: _____

Admonition: Read the following to the witness:

1. You will be shown a number of photographs.
2. I have been asked to show these photographs to you, but I do not know the identity of the perpetrator.
3. These photographs are numbered, and I will show them one at a time, in a random order. Please take as much time as you need before moving to the next photograph.
4. All of the photographs will be shown even if you make an identification.
5. The person who committed the crime *may or may not* be in this lineup and you should not feel compelled to choose anyone.
6. Regardless of whether you make identification, we will continue to investigate this incident.
7. If you recognize anyone, please tell me which photograph you recognize and how or why you recognize the individual.
8. You should not discuss the identification procedure or its results with other eyewitnesses involved in the case and should not speak with the media regarding any identification you may make.
9. If you make an identification, I am required to ask you to state in your own words, how certain you are if you make an identification.

I, _____understand the above information.

Lineup Administrator: _____

Order of Photographs shown: _____ _____

Statement of Victim/Witness:

On the ____ day of _____, 20___, at __ o'clock __m), I viewed a Photo lineup. This lineup contained photographs of _____persons.

☐ I did identify the person with the number ____.

Identification comments / Level of certainty: _____

_____

_____.

Viewer's Signature:_____

☐ I was unable to positively identify any of the persons in the lineup.

Viewer's Signature:_____

Other persons in attendance during lineup-including any translator if used:

Name and Address:_____

Name and Address:_____

ARGYLE POLICE DEPARTMENT

Field Identification Form

Case Number: _____

Read the following to the witness:

1. You will be advised of the procedures for viewing the field identification.
2. The fact that an individual is being shown to you, should not cause you to believe or guess that the guilty person(s) has been identified or arrested.
3. This *may or may not* be the person who committed the crime.
4. You are in no way obligated to identify anyone. It is as important to clear the innocent as it is to identify the guilty.
5. Regardless of whether you make an identification, the police will continue to investigate this incident.
6. If you recognize anyone, please tell me how you recognize the individual. We are required to ask you to state in your own words, how certain you are of any identification.

I, _____ understand the above information.

I understand the need to describe my level of certainty regarding identification and after viewing the person(s) shown have identified them as _____

_____

_____

_____

Viewer's Signature: _____

Officer's printed name: _____

Officer's signature: _____

Other persons in attendance during field identification.

Name and Address: _____

Name and Address: _____

	ARGYLE POLICE DEPARTMENT	
	Policy 7.44 Sex Offender Registration	
	Effective Date:26MAR12	**Replaces:**
	Approved: _____ Chief of Police	
	Reference: TBP: 7.31	

I. POLICY

Police Departments are required by law to register sex offenders who intend to reside within their jurisdiction. Citizens of our town expect the department to be protective of their children by registering registered sex offenders and ensuring they comply with the terms of their court imposed requirements. The Argyle Police Department will meet those expectations by accurately registering sex offenders, conducting periodic compliance checks to ensure offenders are complying with their requirements, and 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 Police Administrative Assistant, with the assistance of CID (if needed) will conduct all sexual offender registrations.

2. Sexual Offender registrations require the following steps:

    a. Address verification.
        i. Are they in the Town limits? Verified by utility bill, invoice, letter from home owner etc.
        ii. Are they in a restricted zone as defined by our sex offender safety zone ordinance? (2006-12)
    b. Status verification.
        i. If registrant is transferring from another police jurisdiction then The Texas Department of Public Safety (DPS) has implemented the Sex Offender Registration Secure Web Site to allow law enforcement agencies to search, view, verify, and update sex offender registration information in a more timely and secure manner, thereby increasing the accuracy of the Texas Sex Offender Registry.
        ii. If a new registrant:

iii. Texas Department of Public Safety Sex Offender registration form CR-35 is completed.
iv. Two DPS fingerprint cards are completed
v. Two photographs are taken of the offender, front and profile
vi. Two photographs are taken of the offender's vehicle, front and profile
vii. The white copy on the CR-35, one photograph, and one fingerprint card are sent to the Texas DPS Crime Records Service.
viii. The canary and pink copy of the CR-35form, one photograph and fingerprint card are placed in the offender's folder, which is maintained in the Sexual Offender File.

3. If the sexual offender is convicted of the sex offense after September 1, 1995, the following steps are taken for public notification:
    a. Public notification of the sexual offender's registration is made in a local newspaper in the following circumstances:
        i. The offender's victim is a child younger than 17 years of age,
        ii. The basis on which the person is subject to registration is not an adjudication of delinquent conduct or deferred adjudication,
        iii. It is not a conviction under section 25.02 of the Penal Code (Prohibited Sexual Conduct).

    b. The public notification is printed in the newspaper in both English and Spanish.

    c. The public notice contains the following information:

        i. The person's age and gender,
        ii. A brief description of the offense for which the person is subject to registration,
        iii. The municipality, street name and zip code number where the person intends to reside.
        iv. A recent photograph or a website where the photograph may be viewed;
        v. The subject's numeric risk level

4. If the sexual offender's victim is a child younger than 17 years of age (regardless of the basis on which the person is subject to registration), notification is made to the superintendent of the school district in which the person subject to registration intends to reside. A copy of the letter to the superintendent is placed in the offenders file.

5. The notice to the superintendent includes any information that is determined to protect the public except the following:

a. The offender's social security number, driver's license number or telephone number,
b. Any information that would identify the victim of the offense for which the person is subject to registration.

6. No public notifications or notice to school superintendents are made on sexual offenders that are juveniles or that were convicted as a juvenile offender.

B. Sex Offender Compliance Checks

1. Under CCP 62.06, 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 Criminal Investigations Division personnel 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.

	ARGYLE POLICE DEPARTMENT
	Policy 7.45 Automated License Plate Readers
	Effective Date: 25May20 | **Replaces:**
	Approved: _____ Chief of Police
	Reference:

I. PURPOSE

The primary purpose of the Argyle Police Department Automated License Plate Reader (ALPR) system is to provide an investigative tool for officers and Criminal Investigative Division personnel. This tool will assist in the detection and apprehension of vehicles and/or persons traveling through the jurisdiction of the Argyle Police Department in a vehicle that has a license plate that has been entered either into the National Crime Index Computer (NCIC) or the Argyle Police Department (PPD) ALPR Hotlist. The ALPR system will assist in the development of leads, which can eventually identify suspects who have committed crimes within the City of Argyle or surrounding municipalities.

II. POLICY

The Argyle Police Department has established this policy for the use and deployment of Automated License Plate Readers (ALPR) to assist in providing safety to the residents of the Town of Argyle. This policy establishes the use of ALPR technology.

III. DEFINITIONS

A. Automated License Plate Readers (ALPR) – High-speed, computer-controlled camera systems which automatically capture all license plate numbers that come into view, along with the location, date, and time data.

B. Hotlist - A local listing of vehicle license plates that are associated with:

1. Stolen vehicles and/or stolen license plates
2. Wanted persons
3. Missing persons
4. Vehicles related to, or used in the commission of, a criminal act
5. Registered Sexual Offenders
6. Officer Safety Concerns (including, but not limited to violent offenders, threats towards law enforcement officers and suspected gang members)

IV. PROCEDURE

This policy establishes procedures for the lawful and proper use of ALPR technology while at the same time protecting the rights of residents and motorists traveling on public roadways in the Town of Argyle.

A. General - The ALPR Program will be managed by the Command Staff of the Police Department to ensure that the equipment is being effectively utilized and maintained. The Chief of Police and Criminal Investigation Division detective will be responsible for establishing the locations for the placement of ALPR system equipment. ALPR locations will be determined based on maximum captures of license plates at points of ingress and egress, and natural traffic choke points where vehicles must pass before entering sections of the Town of Argyle.

   At the time of this policy, the Argyle Police Department has been authorized and funded for a total of six (6) ALPR systems, all at fixed locations.

B. Patrol - Patrol Officers of the Argyle Police Department will be responsible for monitoring the ALPR system via a web-based application. All hits received will sound an alert on the officers' Mobile Data Terminals (MDTs). Upon receiving an alert, an on-duty officer will immediately confirm the captured license plate (photo) as related to a wanted/suspect vehicle through either NCIC, TCIC or the Argyle Police Department Hotlist. Upon visual verification of the license plate, the officer will manually verify the wanted plate to determine if it is still outstanding as wanted.

   1. Wanted/stolen license plates that are verified, will result in an immediate response by an officer in that patrol section as a priority event. The Officer shall notify dispatch of the incident and that he/she is responding.
      a) Stolen License Plates – On all stolen license plate hits, the officer will check the stolen plate through TCIC/NCIC. Should the stolen license plate come back to a vehicle with the same make, model and color of the vehicle that the stolen plate is currently being displayed on, the responding officer(s) shall confirm the Vehicle Identification Number (VIN) to confirm the identity of the vehicle upon making an investigative stop. **Officers should be mindful that Texas requires two license plates**. Therefore, even though a license plate could have been entered as stolen, a vehicle could be displaying the correct matching license plate for said vehicle if the owner had not yet requested or obtained new registration plates.
   2. Hotlist Alerts may include specific instructions for the officers in the field. These instructions shall be followed by the responding officer; e.g. *"stop only with probable cause and ID occupants"*.

3. Argyle Police Officers shall be responsible for requesting that Denton County dispatch personnel notify the NCIC/TCIC information submitting jurisdiction of the recovery of any wanted stolen vehicle(s) and the status of any arrestee(s). All notifications shall be made per established NCIC/TCIC protocols.
4. Upon being notified of an ALPR Hit/Alert, on-duty officers will respond to the area of the capture and look for the suspect vehicle. If the vehicle is located, proper traffic stop procedures shall be followed based upon the type of hit, officer observations, and other factors present. Where possible and tactically appropriate, the first officer identifying the wanted vehicle shall wait for adequate back-up before initiating a traffic stop or engaging the vehicle. Felony stops will be conducted where warranted by the situation and officers shall prioritize the safety of the public and responding officers.
5. Argyle Police Officers shall be bound by the restrictions of the Argyle Police Department vehicle use and pursuit policies when weighing whether to pursue vehicles with stolen vehicle ALPR hits.

C. Criminal Investigation Division (CID) responsibilities

1. Detectives shall utilize ALPR data to assist in the identification of suspects involved in criminal activity in the City of Argyle and surrounding areas.
2. Detectives shall have search access capability, enabling them to search the database to aid in criminal investigations.
3. When Detectives utilize ALPR data to assist in the identification of a suspect or vehicle linked to criminal activity, the ALPR data shall be downloaded from the ALPR System and scanned into the investigative incident as evidence.

D. Supervisory responsibilities

1. Supervisors shall monitor radio traffic for incidents where officers are responding to an ALPR hit. Should a vehicle fail to stop for a police unit with all emergency equipment activated, the on-duty Supervisor shall determine if the reason for the ALPR hit, along with other information provided by the responding officer, authorizes a vehicle pursuit based on Argyle Police Department General Orders. Supervisors shall immediately notify officers via the radio to terminate any pursuit which is unauthorized.
2. An on-duty supervisor may make the final determination, if necessary, as to whether to make an arrest or release a subject stopped as a result of an ALPR hit and shall document the incident and his/her decision.

V. ALPR DATA

The Argyle Police Department ALPR system database and capture information are to be used for official law enforcement purposes only.

A. Personnel shall the database only for investigative/administrative purposes and shall treat all data as confidential.

B. Personnel will not enter any license plates into the Argyle Police Department "Hotlist" unless the vehicle and/or known driver/occupant is currently wanted and/or suspected of involvement in criminal activity. All hotlist vehicles shall include an Incident Number and the reason for the vehicle being entered into the system. All vehicles entered in the hotlist shall include an expiration date. In order to enter a license plate into the Local Hotlist Database, an officer should have reasonable suspicion to believe the license plate is directly associated with the person sought (owner, regular driver, regular passenger, driver or passenger involved in previous criminal activity in said vehicle, etc.), or a person or vehicle connected to an officer safety alert or other criminal activity.

C. ALPR capture data shall be purged after 30 days unless it is evidence or necessary for an on-going investigation.

D. When personnel become aware of invalid data being contained within the state NCIC/TCIC database, the employee finding the error shall notify the contributing agency and document who was notified by name and title.

E. The Argyle Police Department may enter into data-sharing agreements with other law enforcement agencies as determined by the Chief of Police.

F. Use of the ALPR system for unauthorized purposes, including for personal business, may result in discipline up to, and including, termination.

VI. PRIVATELY OWNED/FUNDED ALPR SYSTEMS - The Argyle Police Department recognizes that residents, businesses and/or community organizations such as Homeowner Associations, Apartment complexes, etc. may want to purchase privately owned ALPR systems and link them to the Argyle Police Department network of systems.

A. All private ALPR systems linked to the Argyle Police Department system must be approved by the Chief of Police.

B. All data received by the Argyle Police Department shall become subject to all provisions of this policy.

C. The Argyle Police Department must be provided search capabilities to any linked ALPR system.

D. The Argyle Police Department shall not be responsible for any costs associated with a privately funded ALPR system.

E. The Argyle Police Department may not share any TCIC/NCIC information with the owner of any privately owned ALPR system.

F. Privately owned ALPR systems must meet all local government right of way ordinances, rules and regulations.

G. The Argyle Police Department will not actively monitor any privately owned ALPR or Video system.

	ARGYLE POLICE DEPARTMENT	
	Policy 8.1 Unusual Occurrences and Special Events	
	Effective Date: 28JUL21	**Replaces: 06Jun17**
	Approved: Chief of Police	
	Reference: TBP: 2.22, 8.07, 8.08, 8.09, and 8.11	

I. POLICY

Unusual occurrences include emergencies resulting from natural or man-made disasters or civil disturbances such as riots, disorders, spontaneous violence, or labor disputes. While these occurrences are uncommon, the department must not only deploy personnel in the field, but must coordinate the responses of other law-enforcement and civilian agencies. 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, unusual police events such as hostage or barricaded persons, civil disturbances, SWAT or hazardous warrant execution and even planned special events. This also includes natural disasters such as severe storms, hurricanes, tornadoes, earthquakes, etc. that require an emergency response.

B. After Action Reports: A report examining the Department's planning, response, and level of readiness to respond to an unusual occurrence. This report should provide a critical look at operations and develop suggestions for future policies and planning.

C. Emergency Response Plan: A County or Regional Emergency Response Plan that outlines the responsibilities of all public agencies in times 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 management. A copy of the Denton County Emergency Operations Plan will be maintained in the Office of the Chief, the Communications Division, and available to all officers in digital format. (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

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 town.

2. Special event plans shall include, at a minimum:
   a. Specific dates and time periods for the event;
   b. Anticipated personnel needs and assignments;
   c. Special qualification requirements, if any;
   d. Command structure;
   e. Written estimates of traffic, crowd, or crime problems anticipated;
   f. Clearly written traffic flow plans;
   g. Any known hazards or threats;
   h. Logistics requirements; and
   i. 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. Civil disturbances
   c. Hostage taking where the victim is held after police arrival
   d. Barricaded Persons with SWAT or ERT callout
   e. Hazardous Warrant Service
   f. Natural disasters, e.g: hurricanes, tornadoes, earthquakes
   g. Any event that would draw the attention of a good portion of the public and/or Town government
   h. 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 8.2.

D. Uniform and equipment usage

1. Only approved uniforms and specialized equipment shall be used as covered in Policy 4.5.

E. Use of less-lethal weapons

1. Less-lethal weapons usage is covered in Policy 6.3 and a natural or man-made disaster does not change the use thereof.

F. Use of canine and horses

1. The Argyle Police Department does not utilize canines or horses for response to incidents.

G. 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.

H. 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. Advice the Mayor that a request for state assistance through the Governor's Office should be made

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.

I. 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.

J. Overall goal for incident management

Officers are trained and have an understanding of the overall goals of incident management, which are:

1. Prevent or reduce the loss of life;
2. Minimize property loss and damage to the environment; and
3. Protect the jurisdiction from all threats and hazards.

	ARGYLE POLICE DEPARTMENT	
	Policy 8.2 Civil Disturbances and Mass Arrests	
	Effective Date:30Sep13	**Replaces:17Feb12**
	Approved: Chief of Police	
	Reference: TBP: 8.07	

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 manmade 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.

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.

3. 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.

4. The incident command system shall be used in crowd management and civil disturbances to ensure control and unified command.

    a. 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.
    b. In the event that mass arrest needs to occur, mutual aid requests will be made of other local jurisdictions for staffing.

V. USE OF FORCE

A. The department's use-of-force policy is equally applicable to enforcement actions in the context of both mass demonstrations and civil disturbances. That is, officers may use only such force as reasonably appears necessary to protect themselves or others from physical harm, to restrain or subdue a resistant individual, or to bring an unlawful situation safely and effectively under control.

B. Unity of action 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. 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.
2. 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.

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. 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.

	ARGYLE POLICE DEPARTMENT	
	Policy 8.3 Missing Persons	
	Effective Date: 01Aug13	**Replaces:**
	Approved: _____ Chief of Police	
	Reference: TBP 7.33	

I. POLICY

It is the policy of the Argyle Police Department to establish guidelines and responsibilities for the consistent response to, and investigation of, all reports of missing and endangered persons.

The Argyle Police Department recognizes there is a critical need for immediate and consistent response to reports of missing and endangered persons. The decisions made and actions taken during the preliminary stages may have a profound effect on the outcome of the case. Therefore, this agency has established the following responsibilities and guidelines for the investigation of missing and endangered persons. All peace officers, employed by this agency, will be informed of and comply with the procedures contained in this policy.

II. PURPOSE

The purpose of this policy is to establish guidelines and responsibilities regarding this agency's response to reports of missing persons.

III. DEFINITIONS

A. **Child** means a person under 18 years of age.
B. **Missing person** means a person 18 years old or older whose disappearance is possibly not voluntary.
C. **Missing child** means a child whose whereabouts are unknown to the child's legal custodian, the circumstances of whose absence indicate that:
    a. The child did not voluntarily leave the care and control of the custodian, and the taking of the child was not authorized by law;
    b. The child voluntarily left the care and control of the custodian without the custodian's consent and without the intent to return
    c. The child was taken or retained in violation of the terms of a court order for possession of or access to the child; or
    d. The child was taken or retained with the effect of depriving the custodian of 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, Family Code, against the child or the actor.
D. **Missing child** or **missing person** also includes a person of any age who is missing and:
    a. Is under proven physical or mental disability or is senile, and because of one or more of these conditions is subject to immediate danger or is a danger to others;

b. Is in the company of another person or is in a situation the circumstance of which indicate that the missing child's or missing person's safety is in doubt ; or
c. Is unemancipated as defined by the law of this state.

E. Missing child categories:

a. The **nonfamily abduction** in which a child is taken by an unknown individual, through force or persuasion, usually in furtherance of additional victimization.
b. The **family abduction** in which a noncustodial family member flees with a child, usually in direct violation of a court ordered custody arrangement.
c. The **runaway child**, most often a teenager, who leaves home voluntarily for a variety of reasons.
d. The **lost of otherwise missing child,** who becomes separated from parents or caretakers under circumstances not indicating the likelihood of an abduction or voluntary absence.
e. The **thrownaway** whose caretaker makes no effort to recover the child who has run away or who has been abandoned or deserted. While not necessarily reported to authorities as missing, children in this category frequently require the services of law enforcement.

IV. PROCEDURES

A. Missing Persons/ Missing Children

1. Reporting/Classification of Missing Persons
   a. 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. (TBP 7.33)
   b. 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.
   c. An individual may be considered "missing-critical" who meets the foregoing criteria and who, 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.
   d. On any Critical Missing, an officer will remain on Special Assignment attempting to locate the individual until the individual is found or until the Assignment is lifted by the Chief of Police.
   e. Reports of juveniles who have voluntarily left home (i.e., "runaways") should be classified as such only after thorough investigation.

2. Special Circumstances
    a. Adults with mental impairments and children under age 11.
        i. The law requires law enforcement officials to take additional precautions if the case concerns a missing child or an adult who suffers from dementia or Alzheimer's. In the latter case, the officials must immediately file a report with the Alzheimer's Association Safe Return Crisis number. The report must include all identifying characteristics such as dental records; fingerprints; clothing worn when last seen; a description of the abductor, if available; and other physical characteristics (Tex. Code Ann. § 63.009(a)(3)).
        ii. If the missing person is a child under age 11, the police must notify the child's school and the Office of Vital Statistics. Once notified, the school and the office must flag the child's records. If the child was born or previously attended school in a different state, the agencies must notify the state that the child has been reported missing (Tex. Code Ann. § 63.020(e)).
        iii. If either the school or the office receives a request for flagged records, it must obtain (1) a written form from the requestor that includes the person's name, address, telephone number and relationship to the child, and (2) a copy of the requestor's driver's license or photo identification. The agency must inform the requestor that it will mail the records to him or her, but it must not inform the requestor that the child is missing. It must then immediately contact local police (Tex. Code Ann. § 63.021).

B. Initial Report Taking
    1. The responding officer must gather as much pertinent information as quickly 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.
        f. The current physical condition of the subject and whether the person is currently on prescription medication.
        g. 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.

h. A supervisory officer shall also respond on all missing persons cases.

C. 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:
i. Complete description of the subject and a recent photograph.
ii. 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.
iii. 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.
iv. Plans, habits, routines and personal interests of the subject including places frequented or locations of particular personal significance.
v. Indications of missing personal belongings, particularly money and other valuables.
vi. Any suggestions of foul play or accident.

b. 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.

c. When possible, officers should gain permission to search a missing child's school locker, as appropriate.

d. 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 County, NCIC and TCIC procedures. (Suzanne's Law (42 USC 5779) requires immediate entry into NCIC for any missing person under 21 years of age.
e. The agency also must enter all of the information described above (including supplemental reports) into the Texas Missing Person's Clearinghouse (Tex. Code Ann. § 63.009(a)(3)). The clearinghouse is the state's central repository of information on missing persons. The clearinghouse also assists police in missing persons investigations (in response to local requests), cooperates with other law enforcement agencies, and tries to assure that its information is complete and accurate. It has established an intrastate system for communicating information on missing persons (Tex. Code Ann. § 63.003).
f. A "Missing Persons Clearinghouse (MPCH) MP-3 Report Form" must be signed, completed and returned to the MPCH.
g. 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, Code Red, or other local notification systems. (TBP 7.33)
    ii. the dispatcher broadcast to all persons on duty all information necessary to identify the missing person.
    iii. Regional and statewide missing persons reports will also be made as directed by a supervisor.
h. Amber Alert
    i. Law enforcement officials may also activate the Amber Alert if the missing child is under age 18 and an investigation shows it is likely that he or she has been abducted. If the officials determine that these criteria have been met, they must ask the Department of Public Safety to activate the alert. Once a request is made, the alert is distributed to all Texas law enforcement agencies, the Texas Department of Transportation Management (to be broadcast on highway signs), and the National Weather Service's Texas Warning System (to be broadcast on radio and television stations).

2. Search Procedures

a. The responding Supervisor will organize and direct the search for the person/child unless relieved by high 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.

3. 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 and the missing person's family.
    g. The lead investigator shall maintain routine on-going contact with the missing person's closest relative concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead investigator as soon as any contact is made with the missing person.

4. Dental and Medical Information
    a. Additionally, the assigned officer must give or mail to the person who made the report both a dental and medical record release form marked with a notation indicating that the person is missing. A completed form authorizes any dentist or doctor within the state to release medical and dental information for the missing individual, including X-rays, blood type, height, weight, allergies, and information concerning scars or illnesses. Once the police receive these records, they must forward them to the clearinghouse (Tex. Code Ann. § § 63.006 and 63.007).
    b. These records must be entered into the clearinghouse database and cross-referenced against unidentified human remains. The database is updated frequently. The police must enter all information on unidentified bodies into both the clearinghouse and the National Crime Information Center by the tenth working day after a death is reported (Tex. Code Ann. § 63.009(c)).
    c. The database is checked periodically. If a match is found, the clearinghouse must report it to the Department of Public Safety. That information is then disseminated to the local law enforcement agency assigned to the investigation (Tex. Code Ann. § 63.014).

5. DNA Collection
    a. Approximately 30 days after receiving a missing persons report on someone deemed "high risk", the law enforcement agency must request a DNA sample from the person's family. High risk includes persons (1) believed to be abducted, (2) missing under suspicious circumstances, or (3) missing for more than 30 days and believed to be in danger (Tex. Code Ann. § 63.051 et. seq.). The agency must submit the DNA sample, along with a missing persons report, to the statewide DNA data center for missing persons (Tex. Code Ann. § 63.060).
    b. The data center is established by law and housed at the University of Texas Health Science Center. Its sole purpose is to identify the remains of high-risk missing persons (Tex. Code Ann. § 63.052). Once the center receives a sample, it must enter it into the database and cross-reference it against unidentified human remains (Tex. Code Ann. § 63.054).
6. Prolonged Investigation
    a. Develop a profile of the possible abductor.
    b. Consider the use of a truth verification device for parents, spouse, and other key individuals.
    c. Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videotapes, re-interview key individuals and re-examine all physical evidence collected.
    d. Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone of interest identified in the investigation.
    e. Periodically check pertinent sources of information about the missing person for any activity such as phone, bank, internet or credit card activity.
    f. Develop a time-line and other visual exhibits.
    g. Critique the results of the on-going investigation with appropriate investigative resources.
    h. Arrange for periodic media coverage.
    i. Consider utilizing rewards and crime-stoppers programs.
    j. Update NCIC Missing Person File information, as necessary.
    k. Re-contact the National Center for Missing and Exploited Children (NCMEC) for age progression assistance.
    l. Maintain contact with the family and/or the reporting party or designee as appropriate.

7. Recovery/Case Closure
    a. Alive
        i. Verify that the located person is the reported missing person.
        ii. If appropriate, arrange for a comprehensive physical examination of the victim.
        iii. Notify the family/reporting party that the missing person has been located.

iv. 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.
    iv. (In competent adult cases, if the located adult permits the disclosure of their whereabouts and contact information, the family/reporting party may be informed of this information.
    v. Dependent on the circumstances of the disappearance, consider the need for reunification assistance, intervention, counseling or other services for either the missing person or family/reporting party.
    vi. Cancel alerts (AMBER Alert, etc), remove case from NCIC and other information systems and remove posters and other publications from circulation.
    vii. Perform constructive post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate.

e. Deceased
    i. Secure the crime scene.
    ii. Contact medical examiner or forensic anthropologist to arrange for body recovery and examination.
    iii. Collect and preserve any evidence at the scene.

iv. Depending upon the circumstances, consider the need for intervention, counseling or other services for the family/reporting party or designee.
v. Cancel alerts and remove case from NCIC and other information systems, remove posters and other publications from circulation.
vi. Perform constructive post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate.

	ARGYLE POLICE DEPARTMENT	
	Policy 8.6 Active Shooter Response	
	Effective Date:29AUG22	**Replaces: 21JUN21**
	Approved: _____ Chief of Police / Sheriff	
	Reference: Texas Best Practices (TBP) Policies 6.01, 6.02, 6.07, 8.07	

I. POLICY

Active shooter incidents present an imminent and serious threat to human life and require, by their very nature, an unconventional police response. It is the policy of the Argyle Police Department that officers will respond to, contain, and stop these threats and will administer aid to the victims.

Active shooter response tactics are aggressive and must be swiftly executed to be successful. 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. However, the personnel responding to these incidents must realize that they stand a substantial risk of injury from an aggressive suspect(s).

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. **Active Shooter Response-** The immediate and forceful response by officers to an active shooter incident based on a reasonable belief that failure to take action would result in further death or serious bodily injury.
C. **Barricaded Person-** A person who has secreted himself/herself, and possibly others, in an inaccessible place and is threatening to do bodily harm to himself/herself or others or to destroy property.

D. **Contact Team-** The first officer(s) at the scene of an active shooter incident who enter a location with the intent of neutralizing the threat.
E. **Hostage Situation** – Any situation where the possibility exists that a barricaded person may be holding one or more hostages, or available information indicates that the person is holding a hostage.
F. **Incident Commander-** The first arriving supervisor (not a part of a contact team) who takes charge at the scene, regardless of rank.
G. **Rescue Team** – A team of armed officers who make entry after the contact team, and that is designed to evacuate innocent persons from the incident scene and move them to a safe area where further harm can be prevented, medical attention can be provided, and the identification process can begin. One or more EMT or paramedic personnel may be embedded within the rescue team.
H. **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 Communications personnel should be alert to the possibility that these types of calls may progress into an Active Shooter call.
2. Immediately upon dispatching the initial call, Dispatch personnel will call for additional officers from surrounding cities according to the Denton County Communications Active Shooter Plan.
3. The ranking supervisor or officer will ensure that Dispatch notifies the chain of command to include the Chief of Police of any active shooter event. Fire and EMS should be notified and requested to respond in accordance with their protocols.
4. Upon arriving to the scene of an active shooter event, and without causing delay in the response to the incident, the Department will implement its mutual aid agreements with other police agencies if possible, and with fire and rescue agencies. Additionally, it may be necessary after the incident to collaborate with recovery agencies to assist with the scene and any victims.

V. FIELD RESPONSE

A. Initial Response

1. If an Active Shooter call is dispatched, all on-duty sworn personnel will respond Code 3.
2. While en route to or immediately upon arrival at the incident, officers should put on any ballistic plate carrier they are carrying, prepare the rifle or shotgun if available, and prepare any medical supplies they are carrying for deployment.
3. Upon arrival at the incident scene, officers should be mindful not to park their vehicles in locations that would block the ingress/egress routes (ambulances will have priority access).
4. To prevent being misidentified as a threat to responding uniformed personnel, all non-uniform personnel who respond to the scene should wear a jacket, ballistic vest, or plate carrier which clearly displays "Police" on the front **and** back. Officers should consider carrying in their personal vehicle a "raid jacket" or long-sleeve shirt that can be quickly put on in case of an off-duty response to an active shooter event. If a contact team is already inside of the structure, non-uniform personnel without proper equipment will begin setting up a perimeter and preventing unauthorized entry to the area. Only sworn officers from this or other jurisdictions are initially allowed entry. Responding parents or relatives should be directed to the reunification point once established.
5. 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. A sole officer or a team of officers may enter the area and/or structure to preserve life. A supervisor's approval or on-site observation is not required for this decision.
2. The decision to enter the structure without a full team should be based on a reasonable belief that there an immediate threat (gunfire or other indications on imminent taking of lives).
3. The first officer(s) entering the structure should recognize that their primary objective is the prevention of further loss of life or injury. Officers must move quickly and deliberately to the source of gunfire and stop the violence. The administering of first aid, and any offense investigation, are secondary to this objective.
4. The contact officers will continue until one of these objectives has been met:

    a. The subject(s) has been located and forced to surrender.

b. The subject(s) has been located and neutralized.
c. The incident has transitioned into either a barricaded person or hostage incident.

i. Officer(s) should be prepared to make **immediate** entry into an area if loss of life, other than the shooter, is imminent.

d. The contact officer(s) are relieved by SWAT personnel.

5. Absent continued shooting:

a. Officers should identify and communicate via radio to responding officers and fire/EMT personnel locations of victims needing medical attention. Officers must also communicate whether the location of the shooter is known and which areas of the structure, if any, have been "cleared" and are safe to enter.
b. Officers should administer first aid, to the best of their abilities, to any injuries that may result in the immediate loss of life.

6. Officers will comply with the department's Deadly Force Policy when responding to these incidents.

C. Concepts and Principles

1. Safe, effective responses to active shooters are designed around concepts and principles.

2. The first responding officer(s) should:

a. Stay together as much as possible and enter the involved structure quickly.
b. Maximize communication by staying in close contact with other first responders.
c. Maximize threat coverage by addressing all angles.
d. Visually search involved areas using 540 degrees of coverage around and above the team.
e. Evaluate rooms from the threshold (commonly referred to as slicing the pie).
f. Differentiate between deliberate and direct-to-threat speeds and use the appropriate speed for the circumstances.

i. In instances where responding officer(s) can still hear gunshots, or reasonably believe that the subject is still actively engaged in the taking of lives, officers should

move rapidly to the subject with the intention of ending the threat.

ii. In instances where the responding officer(s) can be certain that no active taking of live is still occurring, officers may employ a more deliberate pace.

g. Use cover-contact principles when taking suspect(s) into custody.

D. Rescue Team

1. Rescue Teams should be organized as soon as possible and directed to victim locations if there is no active threat. 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. Unless what other officers want accomplished is very clear, move to them after notifications and conduct face-to-face meetings.

   d. 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.

   e. 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.

   f. Provide only Tactical Combat Casualty Care before removal to the Casualty Collection Point for further treatment by Fire or medical personnel.

   g. Communicate with all involved responders to ensure the area remains secure while facilitating victim treatment.

E. Incident Command

1. 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 an evacuee area.

2. When time and scene security permit, the Incident Commander should ensure that a reunification location (a place where individuals evacuated from the location and family members may meet) is established.

3. 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:

    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

B. Media Inquiry

All requests for information should be directed to the designated public information officer (PIO) or the Incident Commander (IC) for vetting and

coordination. Consideration should be given to establishing a media staging location that is not within the immediate vicinity of the active shooter event.

	ARGYLE POLICE DEPARTMENT	
	Policy 9.1 Communications Procedures	
	Effective Date: 17Feb12	**Replaces:**
	Approved: Chief of Police	
	Reference: TBP: 3.18.1, 9.01.1, 9.02.1, 9.03.1, 9.04.1, 9.05.1, 9.06.1, 9.07.1, and 9.08.1.	

I. POLICY

Accurate communication is essential in the operation of a department. The Argyle Police Department recognizes the need for a communications center to be a 24-hour operation 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. The Argyle Police Department contracts for dispatch services through an Interlocal Cooperation Agreement for Shared Governance Communications and Dispatch Services System. (Appendix F)

II. PURPOSE.

To establish guidelines for the proper response to calls received through the 911 and Dispatch Services System.

III. GENERAL

A. The Communications Center operates 24 hours a day and has 24 hour two-way radio communication with all members of the department when operating in the field. (TBP: 9.01.1, 9.06.1)

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: 9.02.1)

C. Police personnel will limit their access to the Communications Center to business related tasks and shall not take breaks, do reports, or otherwise visit personnel inside the Center.

D. 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 portable radio systems.

E. The back-up generator is maintained by Denton County Facilities and receives documented tests on a routine basis. (TBP: 9.04.1)

F. The dispatch consoles have a recording system that records all telephone and radio transmissions and allows for immediate playback if necessary. (TBP: 9.03.1)

IV. COMPLIANCE WITH FCC RULES AND REGULATIONS

A. Employees will comply with FCC regulations relating to the use of radio communications systems.

B. Employees will follow established guidelines and procedures as outlined below:
   1. Communications involving the protection of life and property shall be afforded priority.
   2. False calls, false or fraudulent distress signals, unnecessary and unidentified communications, and the transmission of unassigned call signals are specifically prohibited.
   3. Employees shall monitor the 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.

V. 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 a dispatched call using proper radio etiquette or by 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, the officer will update their location by radio or via MDC to the dispatcher.

H. Upon completion of a call, officers will clear the call in the proper manner via radio or 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, as a CAD message, 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 a dispatcher should be referred to the employees' immediate supervisors for resolution.

K. Officers shall refrain from seeking advice from a dispatcher regarding a point of law, enforcement action, or Department policy. Officers should consult their immediate supervisor on these matters or obtain the information from their laptop computers.

VI. 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.

VII. 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.

VIII. 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.

IX. MDC COMPUTER USAGE

A. The Mobil Data Computer (MDC) is a part of the Dispatch Services System. 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. There is NO EXPECTATION of privacy concerning sending or receiving messages via the CAD/MDT system.

X. 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 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.

XI. 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. 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 Chief of Police 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 responsible for the area in which the call is located. When area officers are not available, the nearest area officer will be selected. Officer safety and call priority will be the first consideration when selecting alternate area officers.
    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.

XII. COMMUNICATION OFFICER TRAINING (TBP: 3.18.1)

A. TCIC and NCIC Operations

1. The Communications Center has access to TCIC and NCIC systems. (TBP: 9.07.1)

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.

	ARGYLE POLICE DEPARTMENT
	Policy 9.2 Mobile Audio/Video Recording Systems and Body Worn Cameras
	Effective Date: 9/25/2023 | **Replaces: 06/19/2020**
	Approved: _____ Chief of Police
	Reference:

I. POLICY

A. It is the policy of the Argyle Police Department that officers shall activate mobile audio/video recording equipment and body worn cameras when such use is appropriate to the proper performance of their official duties, and that audio/video evidence of traffic and other law violations be available to present for prosecution. To this end, officers with properly functioning body worn camera equipment shall record all events surrounding the contact, stop, detention, interview and arrest of suspected violators and maintain this recorded evidence for consideration in criminal prosecution and internal investigations.

B. All recording generated on department-owned mobile audio/video recording equipment and body worn camera equipment are the property of the Argyle Police Department. The copying or reproducing of any recordings generated by members of the department for use outside of departmental business is prohibited. The Argyle Police Department records custodian or a supervisor will process requests for copies.

C. Distribution of any recordings generated by department members in any format or for any purpose must be in compliance with this procedure and legal guidelines. Release of any recording created with a body worn camera by any officer, without the permission of the Argyle Police Department, is a violation of Section 1701.659 of the Texas Occupations Code, as amended.

II. PURPOSE

This policy was created to provide guidelines and procedures for use, maintenance, and management of the mobile audio/video recordings systems and body worn camera equipment.

A. The Argyle Police Department is dedicated to utilizing body worn cameras in a manner that is fair and equitable to both citizens and employees.

B. The use of body worn cameras is intended to accomplish the goals of:

1. Enhance Department transparency to the public.
2. Enhancement of officer safety.

3. Enhancement of officer reporting, evidence collection, and court testimony.
4. Enhance officer training.
5. Protection from false claims of impropriety.
6. Provide accurate documentation of events, actions, conditions, and statements made during arrests and critical incidents.
7. Document the quality of service provided by police officers.

III. DEFINITIONS

A. Mobile audio/video recording equipment – refers to a device mounted in a vehicle (sometimes referred to as a "dash cam" or "in-car camera") which is capable of recording both audio and video.

B. Body Worn Camera Equipment – refers to a recording device that is capable of recording, or transmitting to be recorded remotely, video or audio and worn on the person of a peace officer, which includes being attached to the officer's clothing or worn as glasses.

C. Video – refers to both video and audio recorded by either mobile audio/video recording equipment or body worn camera equipment.

IV. MAINTENANCE OF EQUIPMENT

A. All members of the Argyle Police Department shall ensure that mobile audio/video recording equipment and body worn cameras are maintained in a state of operational readiness. Equipment malfunctions will be brought to the attention of a supervisor as soon as possible. Officers observing damage to body worn cameras will immediately remove the device from service and a supervisor will be notified to make a repair.

B. Body worn cameras and their associated accessories shall be made readily available to officers. Prior to use of a body worn camera, officers shall log into the Evidence Library computer application and "assign" the body worn camera to themselves.

C. It is the officer's responsibility to ensure the body worn camera device is fully charged and operable prior to their tour of duty. Body worn cameras are the responsibility of the individual officer and will be used with reasonable care to ensure proper functioning.

D. No officer shall alter, modify, reuse, tamper with or disable the body worn camera or associated accessories in any manner. Department body worn camera equipment shall not be connected to an unauthorized computer, nor shall non-department-issued equipment be connected to any department-issued body worn camera device.

E. Employees shall use department equipment in accordance with established departmental procedures and directives. Employees shall not, intentionally or through negligence, abuse, damage, or lose departmental equipment. Loss, theft, or severe

damage to body worn camera equipment will be documented by the officer(s) in an incident report and will be immediately reported to a supervisor. The supervisor will ensure that the incident has been completed and will draft a memo to the Chief of Police. In this memo, the supervisor will make a recommendation regarding whether the officer should be required to make restitution.

V. OFF-DUTY USE OF BODY WORN CAMERA EQUIPMENT

Officers working off-duty employment shall use a body worn camera if the employment is police- or security-related and approved by the department, but only in compliance with Argyle Police Department general orders and legal standards. Officers shall download all evidence recorded during their off-duty employment no later than during their next regularly assigned on-duty shift or when directed by a supervisor.

VI. BODY WORN CAMERA EQUIPMENT TRAINING

A. Officers who utilize a body worn camera, and any other personnel who will come into contact with audio/video data obtained from a body worn camera, shall complete an agency approved and/or provided training program to ensure proper use and operation.

B. Additional training may be required at periodic intervals to ensure that continued effective use and operation of the equipment, performance, and to incorporate changes, updates, or other revisions in policy and equipment.

VII. MOBILE AUDIO/VIDEO EQUIPMENT PROCEDURES

A. Officers assigned to patrol vehicles equipped with mobile audio/video recording systems shall adhere to the following listed procedures:

1. The officer shall carry the microphone/transmitter on his/her person and shall ensure the transmitter and receiver are set to the same frequency and working properly.
2. Officers shall not intentionally direct a person out of the camera's field of view to avoid having the contact visually recorded or turn off the transmitter while contact is being made.
3. Officers shall not erase, destroy, record over, tamper with, make an unauthorized copy, or otherwise alter an audio/video recording obtained from department mobile audio/video recording equipment.
4. Citizens may not view mobile audio/video recordings in the field.

B. Officers assigned to patrol vehicles equipped with mobile audio/video recording systems shall activate their audio and video recording systems when responding to and under the following conditions:

1. All officer-initiated enforcement and investigative contacts to include traffic and pedestrian stops and field interviews.
2. Anytime the officer's emergency lighting is activated while responding to a call for service.

3. Any criminal investigation where the initial response required the activation of emergency lights or siren.
4. Anytime an officer is in contact with a citizen or suspect and it is feasible that the video system may record all or part of the contact.
5. Any officer involved in a fleet collision shall, unless physically unable to, immediately activate their audio and video recording system.
6. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
7. Any situation the officer believes may be later called into question, or where mobile audio/video recording equipment footage would aid in the resolution of a citizen complaint.

VIII. WHEN BODY WORN CAMERA WILL BE ACTIVATED

C. Officers will inspect and test the body worn camera prior to each shift in order to verify proper functioning. Officers will also ensure the clip is in good condition and the body worn camera is securely affixed to the officer's uniform.

D. While no officer shall be required to keep a body worn camera activated the entire shift, officers shall activate their body worn camera to record all contacts conducted within the scope of an official law enforcement capacity, including but not limited to:

1. Before any enforcement stop, pedestrian or vehicle, officers will activate the body camera upon exiting the police vehicle. An officer may activate the camera any time prior to exiting the vehicle. If the body worn camera cannot be activated upon exiting the police vehicle, it will be activated as soon as practical and safe to do so.
2. Upon arrival when on any call for service. Officers may activate the camera while en route to a call destination if they deem it necessary.
3. During non-vehicle pursuits (foot, bike, etc.) as soon as the officer can do so safely.
4. During vehicle pursuits in vehicles without in-car DVR systems, as soon as the officer can so do safely.
5. Upon arriving to all crime in progress calls as soon as the officer can do so safely.
6. During the execution of a warrant or "knock and talk" operation.
7. When requesting and conducting a consensual search of any type.
8. Before any planned or anticipated arrest.
9. During the inventorying of seized narcotics, money, or any high value property.
10. During the inventorying of a vehicle that is being impounded.
11. When conducting the Standard Field Sobriety Test (SFST) or Drug Recognition Expert (DRE) test.
12. Any situation where the officer's training and experience causes him/her to believe the incident needs to be recorded to enhance reports, preservation of evidence, and aid in subsequent court testimony.
13. Any situation the officer believes may be later called into question, or where body worn camera footage would aid in the resolution of a citizen complaint.

14. Any incident or contact that may result in an enforcement action being taken or official report being generated.
15. Any time an officer deems necessary.

E. Any decision not to activate the body worn camera because it is unsafe, unrealistic, or impracticable will be based on whether a reasonable officer under the same or similar circumstances would have made the same decision.

F. If an officer fails to activate the body worn camera, fails to record the entire contact, or interrupts the recording, or in the event of equipment malfunction, the officer will document why a recording was not made, was interrupted, or was terminated in the officer's report, supplemental report, or call for service.

IX. USE OF BODY WORN CAMERA EQUIPMENT PROHIBITED

Officers are required to be responsible in their use of audio/video recording devices and to avoid recording in places where it would be inappropriate or prohibited by law. As such, no officer shall:

A. Record or monitor another member without the second member having prior knowledge he/she is being recorded or monitored. However, the Chief of Police or his/her designee may authorize exceptions for just cause and during internal/criminal investigations. Members shall assume audio and/or video recording equipment is activated under the following circumstances:

1. While transmitting on a departmental radio channel.
2. While speaking on a departmental telephone.
3. While responding as a cover officer to a call for service, traffic or pedestrian stop, offense scene or other incident that would require the initial responding officer to activate his/her body worn camera.
4. While in the vicinity of a Patrol Vehicle equipped with a video camera system.

B. Use departmental audio and/or visual recording equipment for his/her personal use.

C. Intentionally create recordings of themselves or other employees in areas where a reasonable expectation of privacy exists including, but not limited to locker rooms, restrooms, etc.

D. Knowingly record undercover officers or confidential informants.

E. Allow citizens to view the body worn camera recordings in the field.

F. Allow non-sworn individuals to view body worn camera recordings without permission from the officer's immediate supervisor. Governmental employees who are directly involved in the investigation and/or prosecution of a criminal case related to the body worn camera video or who work in Internal Affairs or IT Services supporting body worn cameras are exempt from this provision.

G. Create recordings in patient care areas of medical facilities unless the recording is for official police business such as criminal investigation, dying declaration, Horizontal Gaze Nystagmus (HGN) on injured drivers, or a specific call for service; in compliance with Federal HIPPA regulations.

X. DEACTIVATION

Officers may deactivate mobile audio/visual recording equipment or body worn camera, or discontinue recordings, under the following circumstances:

A. When the officer reasonably believes the privacy of the individual being recorded outweighs the needs of the state.

B. At the conclusion of the precipitating event.

C. When the event includes an extended contact that is not confrontational (including an interview with a witness or victim).

D. When the event includes an extended perimeter, or on a prolonged event that is not of an adversarial nature (Example: extended traffic control where the officer is not involved in any form of investigation).

E. In those instances when an officer deactivates mobile audio/video recording equipment or body worn camera equipment as described above, they should be mindful to resume the recording as soon as practical if necessary.

F. Officers shall not discontinue the use of the body worn camera once it is in use if dictated by this policy to record.

XI. USE OF PERSONAL RECORDING EQUIPMENT WHILE ON DUTY

Employees may not use personal audio and/or visual recording equipment while on duty.

XII. RELEASE OF RECORDINGS

Recordings made using mobile audio/video equipment or body worn cameras pursuant to this policy are department records and may only be released as provided by the Texas Public Information Act or for other authorized legitimate department business purposes. Release of body worn camera recordings shall conform to guidelines established in Texas Occupations Code 1701.661.

XIII. DATA STORAGE AND RETENTION

A. After the creation of a recording, officers shall be responsible for classifying the recording as one of the following:

1. Contact
2. Traffic Citation
3. Traffic Warning

4. Traffic Accident
5. Offense
6. Officer Injury
7. Use of Force
8. Arrest
9. False Signal Activation
10. Training Demo
11. Pending Review

B. Unless authorized by a sergeant or above, body worn camera video shall be downloaded at the conclusion of the officer's shift.

C. All recordings shall be retained for a period of not less than 90 days, unless the recording is classified as False Signal Activation or Training Demo. Recordings classified as False Signal Activation or Training Demo will be purged after 1 day.

D. Recordings classified as Contact or Traffic Accident shall be purged after 90 days, unless the recording is flagged for longer retention.

E. Recordings classified as Traffic Warning shall be purged after 12 weeks, unless the recording is flagged for longer retention.

F. Recordings classified as Officer Injury or Use of Force shall be purged after 24 weeks, unless the recording is flagged for longer retention.

G. Recordings classified as Offense shall be purged after 36 weeks, unless the recording is flagged for longer retention.

H. Recordings classified as Traffic Citation or Arrest shall be maintained until the conclusion of any legal or administrative investigations.

I. Supervisors shall perform daily checks of uploaded video to ensure that each recording has been assigned a classification.

J. In some situations, the supervisor may deem it necessary to take physical custody of the mobile audio/video recording equipment and/or body worn camera hard drive for preservation. It will be the supervisor's responsibility to maintain the integrity of the device(s) once seized and upload the video to the video recording system. These situations may include, but are not limited to:

1. Officer involved shootings;
2. In custody deaths;
3. Incidents involving an officer that result in death or serious bodily injury to a person;
4. Fleet crashes where the unit is disabled; or
5. Officers otherwise not able to upload their recorded video to the video recording system.

XIV. SUPERVISORY RESPONSIBILITIES

A. Weekly, supervisors will review at least one body worn camera recording and, if applicable, one mobile audio/video recording for each officer they supervise. Supervisors will record the following in the camera audio log located at PDShare/PDSup/Body Camera Program/Camera Audit Log:

1. The officer whose camera recording was reviewed;
2. The date of the review;
3. The type of camera recording reviewed (body worn camera or mobile audio/video);
4. Incident type;
5. Whether officer actions captured on the recording conformed with Argyle Police Department policy; and
6. Supervisor name.

B. Minor infractions (conduct that would result in only minor administrative punishment, and not criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed, appropriate disciplinary or corrective action shall be taken.

C. Supervisory personnel who manage employees using body worn cameras and mobile audio/video recording equipment shall ensure:

1. Employees shall follow established procedures for the use and operation of body worn cameras and mobile audio/video recording equipment, handling of video recordings, and the completion of date transfer and documentation.
2. All videos are uploaded prior to the end of shift. No videos are to be left on a body worn camera at the completion of an officer's shift.
3. The need for repairs and/or replacement of damaged or nonfunctional body worn cameras is reported and actions are taken to repair or replace these pieces of equipment.

XV. REVIEW OF RECORDINGS

A. When preparing written reports, officers are encouraged to review mobile audio/video and body worn camera recordings as a resource to ensure the accuracy and consistency of the report.

B. Mobile audio/video and body worn camera recordings are not a substitute for required written reports.

C. Employees shall not retain personal copies of any recordings.

D. Officers shall be given access to any recording of an incident involving the officer before the officer is required to make a formal statement.

E. Supervisors are authorized to review relevant recordings:

1. Any time they are investigating alleged misconduct or reports of meritorious conduct;
2. Whenever such recordings would be beneficial in reviewing an officer's performance; or
3. Periodically, for the purpose of verifying compliance with this policy or legal requirements.

F. Recorded files may also be reviewed:

1. By officers for the purpose of ensuring recordings are properly categorized for retention.
2. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
3. By media personnel or citizens with permission of the Chief of Police.
4. In compliance with the Texas Public Information Act.

ARGYLE POLICE DEPARTMENT

Policy 9.3 Public Recording of Police

Effective Date: 03/30/2020 | **Replaces:**

Approved: _____ Chief of Police

Reference:

I. POLICY

A. The Argyle Police Department recognizes that, as public servants, the actions of police officers that occur in a public space are subject to public view and scrutiny. Members of the public, including media representatives, have an unambiguous First Amendment right to record officers in public spaces, as long as their actions do not interfere with the officer's duties or the safety of officers or others.

B. Officers should assume that they are being recorded at all times when on duty in a public space.

II. PURPOSE

This policy provides officers with guidance for dealing with situations in which they are being recorded, to include photographing, videotaping, audiotaping, or both, by members of the public or the press.

III. DEFINITIONS

A. Recording- Capturing of images, audio, or both, by means of a camera, cell phone, audio recorder, or other device.

B. Media- The storage source for visual or audio recordings, whether by film, analog, or digital means.

C. Public Space- Any location that is open and legally accessible to the public. This includes, but is not limited to, places such as parks, public sidewalks, streets, and buildings designated for public use such as libraries and the common areas of government buildings. This also includes the portions of the police department that are open to the public, such as the lobby and unrestricted parking lot.

IV. PROCEDURES

A. Individuals who are in a place where they have a legal right to be-such as their home, place of business, or any public space-have a right to record things In plain sight or hearing which occur In that place, to include police activity.

B. When encountering an individual who is recording in a public space, officers shall not:

1. Threaten arrest;
2. Threaten use of force;
3. Intimidate; or
4. Otherwise discourage or interfere with the lawful recording of police activities.

V. LIMITATIONS ON THE RIGHT TO RECORD POLICE ACTIONS

The right to record is not absolute and is subject to legitimate and reasonable legal restrictions. Individuals may not:

A. Trespass on private property; or

B. Put themselves or others in danger; or

C. Enter a marked crime scene; or

D. Interfere with police in the performance of their duties (This includes tampering with evidence or a witness, persistently engaging an officer with questions or interruptions, or impeding emergency responders or vehicle traffic}. Verbal criticism of officers does not of itself constitute interference and does not warrant ordering that the recording be stopped; or

E. Enter any area that is not accessible to the general public; or

F. Enter a private dwelling or similar private space without the owner's permission.

VI. OFFICER RESPONSE TO INDIVIDUALS WHO ARE RECORDING

A. Whenever possible, officers shall ignore the presence of an individual who is engaged in lawful recording of police activities.

B. An officer who responds to a service call, or who is otherwise drawn into an incident, concerning an individual who is recording shall:

1. Activate his/her body worn camera (BWC) and ensure that it is recording.
2. Inform the individual that the interaction is being recorded, per Argyle Police Department policy.
3. Advise the individual if/when they are doing something that Is not permitted. The officer shall fully articulate why the action being performed is not permitted.
4. Direct the individual to a location at a reasonable distance where he/she may record.
5. In situations where a criminal investigation must be conducted, designate a reasonable police perimeter. This perimeter must be applied to all individuals equally and the individual who is recording police activity shall not be singled out.

C. Arrest of a person who is recording officers in public shall be related to an objective, articulable violation of the law unrelated to the act of recording.

D. Arrest of an individual does not provide an exception to the requirement to obtain a warrant for the search of the individual's recording equipment or media. While recording equipment may be seized incident to an arrest, a search warrant is required to download, view, or otherwise access files on the equipment.

E. Arrest of an individual does not provide an exception to the requirement to obtain a warrant for the search of the individual's recording equipment or media. While recording equipment may be seized incident to an arrest, a search warrant is required to download, view, or otherwise access files on the equipment.

F. Officers shall not alter, destroy or delete audio or video files or recordings, regardless of whether the footage is obtained with a search warrant or bona fide exception to the warrant requirement.

VII. SEIZURE OF RECORDING DEVICES OR MEDIA

A. Officers shall not seize, or threaten to seize, an Individual's recording device as a response to being recorded.

B. Officers shall not order an individual to show recordings that have been made of enforcement actions or other police operations.

C. If an officer has probable cause to believe that evidence of a serious crime has been recorded, he/she shall:

1. Consult a supervisor for direction;
2. Ask the person in possession of the recording if he/she will consent to voluntarily and temporarily relinquish the recording device or media so that it may be viewed and/or copied as evidence. The officer may also ask the individual if they will consent to e- mailing the recording to the Detective or Chief of Police at their government e-mail address; and
3. Ask the person in possession of the recording if he/she will consent to voluntarily and temporarily relinquish the recording device or media so that it may be viewed and/or copied as evidence. The officer may also ask the individual if they will consent to e- mailing the recording to the Lieutenant or Chief of Police at their government e-mail address; and

D. Under exigent circumstances, where it is objectively reasonable to believe that immediate viewing of recordings is necessary to prevent death or serious bodily harm of another before a warrant can be authorized, the recording device or media may be seized and viewed.

E. Whenever a recording device or media is seized without a warrant or obtained by voluntary consent, the seized item shall be held in police custody no longer than reasonably necessary for the police, acting with due diligence, to obtain a warrant. The device must be returned at the earliest possible time and its owner/operator given instruction on how it can be retrieved. ,In all cases, property receipts shall be provided to the owner.

VIII. SUPERVISOR RESPONSIBILITIES

Supervisors shall monitor radio traffic and shall respond to any incident where:

A. An individual recording police activity is going to be, or will most likely be, arrested; or:

B. When recording equipment may be seized without a warrant or lawful consent.

IX. IDENTIFICATION OF INDIVIDUALS

Officers shall comply fully with Texas Penal Code Sec. 38.02 while investigating incidents of individuals recording police activity. This statute states:

"FAILURE TO IDENTIFY,

(a) A person commits an offense if he intentionally refuses to give his name, residence address, or date of birth to a peace officer who has lawfully arrested the person and requested the information.

(b) A person commits an offense if he intentionally gives a false or fictitious name, residence address, or date of birth to a peace officer who has:

(1) lawfully arrested the person;
(2) lawfully detained the person; or
(3) requested the information from a person that the peace officer has good cause to believe is a witness to a criminal offense."

A. An individual who has not been lawfully arrested shall not be required or compelled to provide their name, date of birth, or other identification. Officers shall not use the act of recording, in itself, as grounds for detention or arrest of an individual.

B. Officers responding to a call for service may detain an individual for a brief period in order to investigate the call. The individual does not commit an offense *merely* by refusing to provide identification while detained.

	ARGYLE POLICE DEPARTMENT	
	Policy 10.1 Prisoner Processing	
	Effective Date: 29Apr13	**Replaces: 17Feb12**
	Approved: _____ Chief of Police	
	Reference: TBP: 10.10, 10.12, 10.14, 10.15, and 10.22.	

I. POLICY

This department does not maintain or operate a holding facility. All persons taken into custody are taken directly to the Denton County Jail. The policy of this department is to process prisoners without delay and safely transport them to a 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 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 unless they are being taken to the intoxilizer room. Juveniles taken into custody are transported to the juvenile's home, to the juvenile processing room at the police facility, or to the County 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 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 Argyle 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:

    a. Released at the scene to a responsible party

    b. Secured in the prisoners vehicle

    c. Securely maintained and returned to the prisoner at a later date; or

    d. Turned in to the booking officer upon arrival at the location of detention for placement in the prisoner's property. (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.

B. Juvenile Detentions

1. If the child is detained and transported to the police building, they are 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 supervisor and County Supervisor. 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, he 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. These cards are processed by the County using their live scan system.

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: 10.10.1)

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 they wish their 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. Individual should be allowed access to a telephone for this purpose as soon as possible if requested.

	ARGYLE POLICE DEPARTMENT
	Policy 11.1 Municipal Court Operations
	Effective Date: 01JUL21 | **Replaces: 17Feb12**
	Approved: _____ Chief of Police
	Reference: TBP: 11.01.1, 11.02.1, and 11.03.1.

I. POLICY

Proper security and decorum in the Municipal Court is necessary for the proper administration of justice and for the protection of court personnel and the public. Regardless of the level of offense, court hearings can be emotionally charged, and proper restraint must be maintained.

II. PURPOSE

The purpose of this order is to establish guidelines and procedures for security of the Municipal Court.

III. ORGANIZATION AND STAFFING

A. The municipal court contracts with law enforcement, which may include members of this Department, to provide security when in session. The department also assists in preparing the emergency operation plans for incidents occurring in the Court.

B. A member of law enforcement is assigned as bailiff when Court is in session. Only officers who have received state mandated training in court security, and who have read and acknowledged understanding of this policy, should serve as Bailiff.

IV. OPERATIONS (TBP: 11.01.1)

A. The assigned bailiff attends all sessions of the Court (unless dismissed by the Judge) to ensure the following:

1. See that all defendants, witnesses and observers are seated prior to the entrance of the officers.
2. Explain Court procedures to defendants and witnesses, and answer questions before each session of Court.
3. Perform opening ceremonies of the Court and announce the Judge.
4. Preserve order and decorum while Court is in session.

5. Maintain proper procedures during jury trials, maintaining security of the jury room, and seeing to the needs of jurors and witnesses.

B. During judiciary proceedings, the assigned bailiff may be directed by the presiding Judge to place an individual under arrest.

C. In cases where high-risk persons are brought to the courtroom for any reason, such persons may be restrained as necessary. The bailiff carries handcuffs during Court sessions.

D. The bailiff also ensures the security of the Court operations by:

1. Conducting inspections of the duress alarms, prior to the time court convenes.
2. Conducting a physical inspection of the courtrooms prior to each session and after the last session of each day.
3. Being familiar with the daily schedules of each Judge in case special security is warranted.
4. Make a walk-through of the building, assisting with the security of the Court Clerk's office areas.

V. COURT SECURITY PLAN

A. Facilities and Equipment (TBP: 11.02.1)

1. The municipal court Judge and Court Clerk has access to a telephone located near the courtroom.
2. The bailiff is equipped with a portable police radio.
3. The bailiff has access to a flashlight in case of a power failure.
4. A duress alarm is installed near the Judge.
5. Fire extinguishers are maintained in the courtroom, the Court Clerk's area and the building lobby. Emergency lighting is provided in the event of power loss.

B. Pre-session Inspection

1. The bailiff arrives at least 15 minutes prior to the court convening.
2. The bailiff conducts a physical inspection of the courtroom prior to and after court and ensures the following:
    a. The courtroom is free of weapons and contraband;
    b. The duress alarms and telephones are in working order;
    c. Emergency doors in the courtroom are free of obstructions;
    d. Lighting is adequate (emergency lights are activated in the event of a power failure);
    e. All public entrances are open and free of obstructions; and
    f. All communications equipment is checked.

C. Courtroom Operations

1. Judges enter and exit the courtroom through the main doors leading into the gallery.

2. The public enters and exits the courtrooms only through the main doors leading into the gallery.

3. Bailiffs and peace officers are the only persons authorized to carry weapons in the courtroom. If the bailiff believes a person may be carrying a weapon, the hand-held metal detector may be used to conduct a search. If a person refuses a search in this manner, they must leave the courtroom. During particular trials, or during periods of security concerns, the Judge may request all persons entering the courtroom be scanned for weapons.

4. Contraband taken into the courtroom for evidence purposes remains in the possession of the testifying officer unless otherwise directed by the judge.

5. At the discretion of the presiding Judge, or at the discretion of the bailiff, briefcases and purses may be searched.

D. Unusual Occurrences

1. In the event of an unusual occurrence, the bailiff or ranking police officer assumes control and requests additional police, fire, or medical assistance as the circumstances require.

2. Medical Emergencies in the Courtroom

    a. A first aid kit is kept in the court security bag.
    b. All requests for medical assistance or additional security call in to 9-1-1 or to the dispatch center.
    c. In the event of a medical emergency, the judge orders all proceedings stopped.
    d. If the medical emergency involves a person who is in custody, the bailiff maintains security and requests medical assistance and additional police officers.
    e. If the medical emergency involves a court participant or spectator, the bailiff maintains security of any prisoners that are present and provides any assistance possible. The bailiff contacts the dispatch center via radio and requests the proper assistance.
    f. If other police officers are present, the ranking officer assumes control and directs the actions of the bailiff, responding officers, and other personnel.
    g. The fire department's ambulance service or first responders provide emergency medical service.

h. The bailiff is responsible for all police reports necessitated by a medical emergency.

3. Fire Evacuation Plan

    a. Prior to court convening, the bailiff conducts a physical inspection to ensure that all doors are functioning and free of obstructions.
    b. In the event of a fire in the courtroom or town hall complex, the bailiff assumes control of the courtroom evacuation.
    c. Those persons present in the courtroom are instructed to exit through the nearest exit door and out of the building through the nearest public entrance.
    d. All calls for fire emergencies are made to 9-1-1 or directly to the dispatch center.
    e. A Fire Evacuation Chart is posted at the rear of the Courtroom near the exit. (TBP: 11.03.1)

4. Bomb threats

    a. In the event of a bomb threat, the bailiff notifies police dispatch immediately and evacuates the Court. The bailiff ensures that the Court Administrator is notified of the situation.

5. Hostage Situations

    a. The Judge sounds the duress alarm,
    b. The bailiff notifies police dispatch, attempts to isolate the actor(s) and, if possible, evacuates and secures the area.
    c. Field personnel are dispatched to establish and secure a perimeter until arrival of tactical personnel.

6. High-risk Trials

    a. The Municipal Court has jurisdiction only over Class C misdemeanor offenses. The majority of business conducted relates to traffic offenses.
    b. Persons in custody are not normally brought to the Court Building, and trial defendants are not in police custody. If a trial or arraignment should pose a possible threat to the Judge, jury, or participants in a proceeding, the bailiff will assess the need for further staffing and inform his/her supervisor.

VI. ANNUAL REVIEW OF COURT OPERATIONS

A. An assigned bailiff and the Court Administrator conduct an annual security inspection of the Municipal Court facilities. If a structural change in the building

occurs, an additional inspection is required. The inspection includes, but is not limited to the existence, adequacy, and working condition of:

1. Alarms;
2. Communications equipment;
3. Fire extinguishers;
4. Medical emergency items;
5. Emergency light sources;
6. Exterior lighting;
7. Emergency exits, and
8. Emergency Evacuation Plan.

B. The bailiff and Court Administrator also review the Fire Evacuation and other emergency operations plans with all court employees. (TBP: 11.03.1)

C. A copy of the inspection and training is forwarded to the Municipal Court Judge and the Chief of Police.

	ARGYLE POLICE DEPARTMENT	
	Policy 12.1 Property and Evidence Management	
	Effective Date: 01MAR21	**Replaces: 21FEB21**
	Approved: _____ Chief of Police	
	Reference: TBP: 12.01, 12.03, 12.04, 12.05, 12.06, 12.07 and 12.08.	

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 them from theft, loss, or contamination, and to maintain then 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 Property Custodian by memorandum. The Property Custodian is responsible for maintaining security and control of property and evidence that the department acquires through normal duties and responsibilities. The CID Officer serves as alternate when the assigned Property Custodian is unavailable.

B. The Property Custodian reports to the Criminal Investigations Officer, who is accountable directly to the Chief of Police.

C. The Property Custodian shall satisfactorily 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 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 Chief of Police, Property Custodian, and alternate Property Custodian.

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. Access and Key Control

1. Entry to the property room is controlled by an access control system. This system uses a proximity card issued to the individual and has different levels of access set. This room also has a hasp and padlock in place as a redundant security measure. The Property Custodian, the CID Officer (alternate) and the Chief of Police are the only individuals with access to the property room.

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. Property room personnel may not relinquish property storage keys, to anyone other than authorized personnel.

4. When Property Custodians leave their assignment, the Chief of Police ensures that access control is changed, and all keys are accounted for. The combination of the padlock on the property room door shall also be changed.

C. Other Security Systems

1. 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.

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 with the following exceptions:
      a. In compliance with Chapter 59 of the Code of Criminal Procedure, all property seized must be documented in the form of a sworn statement providing the following:
         i. Schedule of property received;
         ii. An acknowledgement that the officer/investigator has seized the property, and;
         iii. A list of the officer's/investigators reasons for the seizure.

   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, seizing or recovering property documents the details in the Report Management System (RMS) in a property voucher upon taking property into 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. A Property and Evidence Form (PE-01) will be filled out on scene and turned in with the property if the property is returned to the owner prior to the end of the officer's shift. The RMS system then tracks chain of custody internally up to release or destruction.

B. 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.

C. 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, and officer's name and ID number properly identifies the property and its origin.
   b. Chain of Custody for each property container (bag, box, etc), tracking the movement or release of the item, is entered into the RMS property

voucher by the seizing officer. All transactions after that time are done by the Property Custodian through the RMS System.

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 (PE-02). This envelope and a chain of custody 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, seal the envelope with tamper-proof security tape. Both 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.) may be submitted in the container as is. However, the need for a money count and money form still applies. Officers submitting the money should 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. Officers shall still use the money form if the currency seized is not US currency. If officers seize non-US currency, they should write "foreign" at the top of the money form. Officers will then write the denominations of the foreign currency, if known, just as they would for US currency. Two-person verification and signatures shall apply just as they would for US currency.
    vii. If funds are to be civilly forfeited, attach copy of Seizure Affidavit with money envelope.

e. Property and Evidence 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. Either the Property and Evidence Form (PE-01) or the Sungard PMS release form may be utilized.

D. Reporting the Seizure of Illicit Beverages, Etc.:

1. "Illicit Beverage" as defined by the Texas Alcoholic Beverage Code, Section 1.04, is an alcoholic beverage:

    a. Manufactured, distributed, bought, sold, bottled, rectified, blended, treated, fortified, mixed, processed, warehoused, stored, possessed, imported, or transported in violation of the Texas Alcoholic Beverage Code;
    b. On which a tax imposed by the laws of this state has not been paid and to which the tax stamp, if required, has not been affixed; or
    c. Possessed, kept, stored, owned, or imported with intent to manufacture, sell, distribute, bottle, rectify, blend treat, fortify, mix, process, warehouse, store, or transport in violation of the Texas Alcoholic Beverage Code.

2. A peace officer may seize without a warrant:

    a. Any illicit beverage, its container, and its packaging;
    b. Any vehicle, including an aircraft or watercraft, used to transport an illicit beverage;
    c. Any equipment designed for use in or used in manufacturing an illicit beverage; or
    d. Any material to be used in manufacturing an illicit beverage.

3. A peace officer who makes a seizure under Section 103.03 of the Texas Alcoholic Beverage Code (subsection 4.02 above) shall make a report (Report of Seizure of Alcohol) in triplicate which lists each item seized and the place and name of the owner, operator, or other person from whom it is seized. One copy of the report shall be verified by oath (notarized).

    a. The notarized copy shall be retained in the Records Section in the case file.
    b. One copy of the form shall be given to the person from whom the seizure is made, by the officer making the seizure.
    c. The third copy (hard copy) of the form will remain with the seized items when submitted to the Property Custodian as evidence.

4. It is a violation of the Texas Alcoholic Beverage Code for a peace officer to make a false report of the property seized and to fail to report a seizure as required by Section 103.05 of the TABC code (subsection 3 above).

5. Disposition of Illicit beverage evidence

a. Any illicit alcoholic beverage, its container, and its packaging which has been seized by a peace officer, as provided in Section 103.03 of the Texas Beverage Code, may not be replevied and shall be delivered to the commission (TABC) for immediate public or private sale in the manner the commission considers best.
b. The Property Custodian will be responsible for the transfer to the Texas Alcoholic Beverage Commission of any illicit alcoholic beverage at a time deemed appropriate by the Property Custodian and the Texas Alcoholic Beverage Commission.

6. When the offense involving the illicit beverage is a Class C misdemeanor, the officer may give the violator the option of pouring out the illicit beverage, in addition to the officer enforcing the violation. Requesting violators to pour out the illicit beverages does not constitute a seizure. The peace officer should not participate in the disposing of the beverages in these circumstances.

7. Under most circumstances, the only offense where an illicit beverage would be seized for evidence purposes would be an offense of Selling an Alcoholic Beverage to a Minor. The officer's smell and sight will serve as evidence in other violations (Class C misdemeanors), if the officer can testify that the odor and appearance is that of an alcoholic beverage.

VII. LOGGING PROPERTY & EVIDENCE

E. 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 District Attorney's office, if necessary, to determine prosecutorial need. If the property can be released in the field, the officer will complete a Property and Evidence Form (PE-01) and have the owner sign for receipt of the property. The form will be turned in to the Criminal Investigations Division officer who shall scan the form and enter it into the RMS system, showing it released in the field. (TBP: 12.06)

F. Property that is seized by the department and not immediately released to the owner will be entered into the RMS system and secured by the officer in a temporary storage location as soon after seizure as possible. The Property Custodian will process and transfer all property into the property room as soon after seizure and approval as possible. Personal lockers, files, or desks are not approved storage for property or evidence items. Officers will log all property and evidence into a temporary storage location before the end of their shift. (TBP: 12.03)

G. 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.

H. 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 should 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 located in or on the evidence processing counter. 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.
    b. Ammunition: AMMUNTION WILL BE STORED SEPARATELY IN A BIN AWAY FROM FIREARMS.

    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 armorer/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: Hazardous materials, devices, explosives and flammables may not at any time, under any conditions be submitted into property. Photograph and submit the photo as evidence. Contact the Fire Marshal's Office for disposition.

8. Bio-Hazardous Materials: Any item logged into the property room for any reason that might have been exposed to or contaminated with any bodily or unknown fluid must be marked with a bio-hazard label. All items must be

dried before placing in a paper sack or cardboard box. Any item that has been contaminated with fluids must breathe, or they will putrefy in plastic.

9. Money: Itemize all monies by denomination and quantity on the approved money form before placing it into a property locker.

10. Jewelry: Package jewelry items individually in an envelope, box, bag, or other suitable container as appropriate.

11. Motor Vehicles: Motor vehicles requiring retention are stored at either EJ's or All-American Towing. Note: Vehicles may be temporarily stored at the 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.

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 owner. If that is not feasible, the officer logs the plate into property. The Property Custodian is then responsible for returning the plates to the owner or DMV.

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.

14. Items too large for Lockers: Bicycles and other large items will have an aluminum embossed tag tied to them with the case number and they will be stored in the outside fenced storage located on the east side of the police department.

VIII. POSSESSION OF DRUG PARAPHERNALIA AND POSSESSION OF TOBACCO BY MINOR

Under certain, limited, circumstances evidence may be properly destroyed by the officer and not maintained by the Department.

A. Upon charging an individual for Possession of Drug Paraphernalia, or for Possession of Tobacco by a Minor, officers may properly destroy the evidence of these offenses by completing the following steps:

1. Using the hand-held citation writer, photograph the evidence (Ex: Grinders, pipes, cigarettes, vape pens, container with less than 4g of marijuana, etc.) and save the photograph as part of the citation.

2. Use the officer's body worn camera to record the destruction of the evidence.

3. Dispose of the destroyed evidence in a dumpster.

4. Complete an incident report and include in this report that the evidence was destroyed according to policy.

B. This policy shall **NOT** apply in instances where an individual is charged with a Class B misdemeanor or higher.

1. If an individual is being charged with a Class B misdemeanor or higher, and is being charged with Possession of Drug Paraphernalia or Possession of Tobacco by a Minor, all evidence must be seized and logged according to policy (Ex: A minor subject is charged with a Class B or higher offense and is in possession of tobacco. If the minor is charged with Possession of Tobacco by a Minor, the tobacco product will be seized and logged into evidence).

2. If an individual is being charged with Possession of Drug Paraphernalia or Possession of Tobacco by a Minor, and the incident involves any person who is being charged with a Class B misdemeanor or higher, all evidence must be seized and logged according to policy (Ex: The driver of a vehicle is arrested for a Class B misdemeanor or higher charge and the passenger is being charged with Possession of Drug Paraphernalia. The paraphernalia will be seized and logged into evidence, as it is related to the same incident, though there are two separate suspects).

C. If officers have any questions about whether evidence may be destroyed, they shall contact the Property and Evidence Custodian or CID Officer.

IX. TEMPORARY STORAGE FACILITIES

I. After property is marked for identification and packaged, officers deposit the property into one of the following temporary storage areas:

1. Storage Lockers: Individual property lockers are located beneath the evidence processing counter. Officers lock the property into one of these lockers and deposit the key into the slot of the designated secured box adjacent to the property lockers. Officers do not have access to this secured box.

2. Fenced Storage: All bicycles, large items, or parts thereof, are temporarily stored in the fenced area on the east side of the police department.

3. Hazardous Materials Storage Locker
    a. There is no hazardous material storage on site. Officers must contact supervisors to determine appropriate measures for storage or

destruction. The Fire Marshal may be contacted to assist with identification and storage of materials.

J. Fireworks are not stored, but instead photographed. Officers destroy all confiscated fireworks by drowning and physical destruction in view of a video recording device.

1. Refrigerator/Freezer: A refrigerator with freezer is located in the property room but is not accessible by officers.

X. PROPERTY ROOM COLLECTION, INVENTORY & STORAGE

K. Property Collection

1. On an as needed 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. Approves or rejects the RMS property voucher.
   b. Assigns a bar code label to each property item submitted,
   c. Makes the appropriate entries into the automated property system,
   d. Stores each item in the approved locations.
   e. Arrange for transportation to the laboratory for examination as required, and
   f. Arrange for destruction, release to owner, auction or other authorized disposition as appropriate.

L. 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 voucher in RMS to what is found in temporary storage. If any item is physically missing, or is missing from the RMS voucher, the Property Custodian immediately notifies the submitting officer and the officer's supervisor. The submitting officer shall then correct the discrepancy.
   b. If the Property Custodian cannot find a missing item(s), he/she enters the item into the "Unable to Locate" (UTL) file and notifies the CID Officer and Patrol Sergeant via email, explaining the circumstances surrounding the missing property. Property connected to the case will not be processed until the missing item(s) are found or the discrepancy has been corrected.

M. 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.

N. 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.
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 Bins D1-D8 inside the property room. Controlled substances may be transferred to destruction bins Z1 and Z2 only after a destruction order has been signed.
b. Officers should count, verify, test (if available), 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 Bin M or, if over $100.00, deposited with the Director of Finance.
    b. The Property Custodian deposits money (over $100) with the Director of Finance 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 Director of Finance when their cumulative total reaches $100 or more.
    d. Exception: When the money itself is evidence, subject to forfeiture (drugs), or examination, it remains in the safe until the CID Supervisor clears it for deposit. Seized funds must have a seizure affidavit filed with the court within 72 hours.
    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 Town employee is present when opening any money envelope.
    f. The Property Custodian secures negotiable stocks, bonds, or bank securities along with other money items in money bin A 4M within the property room. He/she assigns no value to the securities for purposes of showing a recovery value.

4. Electronic Evidence

    a. All evidentiary digital photographs are uploaded by the officer into the corresponding case in the RMS system.
    ~~b. Place all photos in a numbered folder under the appropriate heading. E.g. photos of a burglary would go in the folder name burglaries in a subfolder labeled: 20130123 Burglary of a coin-op machine.~~
    ~~c. Other types of electronic media should be stored in the same manner as the photographs (audio recordings, videos etc.)~~
    d. ~~Videos made with MVR and in-car videos are stored on separate server, located in the PD. Access is controlled by user rights assigned by active directory through the video system.~~ All mobile and body camera video are secured by access rights granted through the Evidence Library program from WatchGuard.
    e. Do not send electronic evidence outside of this agency without consent of your supervisor. The only exceptions to this policy are case filings with the DA's Office, Municipal Court or upon written request from another agency for assistance with an ongoing investigation.

5. 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.

6. 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.

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.

O. Computer Entries

Computerized Property System

1. The seizing officer 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. Date and time seized along with date and time placed into a property locker to begin the chain of custody.
   h. Any lab instructions.

P. Disposition of Property

1. The Property Custodian updates the status of all property retained in inventory as necessary.

2. TCIC / NCIC
   a. Upon request, dispatch personnel check property items with serial numbers in the TCIC/NCIC system.
   b. In all cases when 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.

VII. SUBMISSION OF EVIDENCE TO CRIME LABRATORIES

A. Argyle PD employees who request evidence be sent to the Texas Department of Public Safety Laboratory for analysis must note lab instructions on the RMS property voucher when submitting evidence. For Driving While Intoxicated (DWI) lab submissions, the arresting officer shall complete a lab submission form through the Law Enforcement Advanced DUI/DWI Reporting System (LEADRS) and place a copy in the temporary storage location along with the physical evidence. All other evidence to be submitted to the lab must have a lab submission form completed by the Property Custodian.

B. When submitting evidence to the laboratory by mail, the Property Custodian will submit all such evidence to the Texas Department of Public Safety Laboratory in either Austin, Texas, or Garland, Texas, using Department of Public Safety Laboratory Submission Forms, or to a private laboratory approved by the Chief of Police. The lab submission forms shall be scanned and entered into the RMS system with the corresponding case report(s).

C. Items (latent prints, DNA, etc) may be sent to the lab for identification purposes.

D. Only material which is to be introduced as evidence at trial shall be forwarded for laboratory analysis. This includes suspected marijuana which was found and used as the basis for a probable cause search. Material which is not expected to be physically introduced as evidence at trial shall be kept in storage. Material shall not be disposed of prior to any criminal proceeding.

E. Material may be transmitted through the United States Postal Service to the Texas Department of Public Safety Crime Laboratory Registered Mail (Return receipt requested) in all circumstances which do not require hand carrying of the material to the laboratory.

1. The Property Custodian will take the properly packaged evidence to the United States Post Office for mailing. The Property Custodian will receive PS Form 3806, "Receipt for Registered Mail" from the Post Office which will be filed in the property records.

2. A barcode is placed on the package used to send evidence via registered mail prior to delivery to the laboratory. The Property Custodian shall track the delivery of the package on the United States Postal Service (USPS) website to confirm its arrival.

3. If online tracking through USPS indicates that the evidence has not been received by the laboratory within three (3) business days, the Property Custodian shall contact the last known post officer in which the evidence resided to determine the status of delivery. If the last known post office does not have possession of the evidence, the Property Custodian will

contact all other post offices that at any point has possession of the property, along with the crime lab, to determine if they have possession of the evidence. The CID officers and Chief of Police will also be notified. If it is determined that the evidence is missing and cannot be located, the Property Custodian will notify the CID officer and the Chief of Police and proper documentation of all action taken to locate the property will be entered as a supplement to the case file in RMS.

F. Materials should be shipped to the DPS Crime Laboratory or other laboratory based upon their current accepted standards for receipt of evidence.

G. The Property Custodian update the chain of custody within the RMS system to note each step in the delivery process to include checking the property out of the property room, transfer to the post office, delivery to the Texas Department of Public Safety, arrival at the laboratory, and return to the property room.

H. Following analysis, the Argyle Police department custodian should receive by email a copy of the lab report. A copy of the report will be forwarded to a criminal investigator who will upload the report into the corresponding case in RMS. The criminal investigator will write a warrant where appropriate. The Property Custodian will upload the case, through E-File, to the prosecuting attorney's office.

I. Crime Scene Unit personnel may hand carry property/evidence to the laboratory for analysis only under the following conditions and only on the approval of the Chief of Police.

1. In the event the evidence collected may spoil or perish.

2. The evidence is too large to fit inside the lock-seal baggie and mailing envelope.

3. The evidence is too heavy for mailing.

4. The evidence is too fragile to be sent by mail or of such composition that it would be dangerous or illegal to send by mail.

5. In an emergency-type situation where the laboratory analysis is needed in the prosecution of a case.

6. In any event where the Chief of Police believes that the hand carrying of the property/evidence to the laboratory would be proper during the investigation of an offense or during the prosecution of a case.

J. If a laboratory other than the Department of Public Safety is used, APD personnel will follow similar procedures as outlined in this General Order. Exact protocol and forms for an outside laboratory may differ but should be similar and in keeping with the rules of evidence. This analysis may be requested at the discretion of the assigned investigator and/or the Crime Scene Unit Supervisor.

K. If an analysis is needed for any drug or substance suspected of being used in the commission of a sexual assault, other laboratories in addition to DPS lab may be utilized. This analysis may be requested at the discretion of the assigned investigator and/or the CID Supervisor.

VIII. 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 investigator, or the investigator's supervisor,
    b. The Chief of Police,
    c. A magistrate,
    d. The District 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 District 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 an order signed by the Municipal Judge of Argyle, Texas, the Property Custodian disposes of property on no-lead cases after the statute of limitations is past. The Statute of Limitations for felonies listed in Chapter 12 of the Code of Criminal Procedure.

5. The District 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.

6. The Property Custodian retains any property requested for civil litigation until approved by the CID Supervisor. The CID Supervisor or the Chief of Police contacts the City Attorney prior to disposal of property cases where the City 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. If the officer is still on shift when the

owner arrives, the officer may release the property to the owner only after a PE_01 form has been completed and signed by both the owner and officer releasing the property. The officer will then upload the PE_01 into the corresponding case report in RMS and write in the report that the property was released to the owner.

b. The Property Custodian will follow CCP Article 18.17 when determining retention and release schedules for found 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 CID Supervisor 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 city 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 shall place unclaimed property on a destruction order for the Municipal Judge's signature indicating all required steps have been taken, to include a certified letter sent to the owner's last known address, and the owner has failed to claim the property within 90 days from the date that the certified letter was sent..
    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 CID Supervisor 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 unless another legal option is approved by the CID officer and Chief of Police.
    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 District 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 District Attorney may be destroyed upon completion of the investigation with the District 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 shall notify the Property Custodian. The Property Custodian will then complete the appropriate property release form and the officer shall sign for receipt of the property/evidence. The Property Custodian will then update the chain of custody in RMS system.

IX. 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 notifies the Property Custodian of the need to examine the property or evidence, and the Property Custodian ensures the appropriate need. The officer will give notice to the Property Custodian as soon as possible after being notified that the property or evidence is needed for further investigation, examination, court, etc.
    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. If evidence is to be held by the court, the Officer in possession of the evidence shall have the individual taking custody of the evidence sign and date the chain of custody form, which will be turned in to the Property Custodian. The officer shall then complete a supplement detailing took possession of the evidence and how long they will maintain it. If the court is taking permanent possession, the Property Custodian will update the RMS system to show the item(s) was released to 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 When evidence is unsealed to be examined by the court, the chain of custody form shall be updated and signed by the individual who unsealed the evidence. The chain of custody form will be scanned and uploaded into the RMS system by the Property Custodian who will also update the chain of custody tracking within RMS.

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.

X. 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, CID Supervisor, a court order, or written instruction from the District 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. When property is destroyed, it shall be ensured that it can no longer be used for its original intended purpose. The property will be disposed 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. Firearms shall be destroyed, unless approved for sale or trade by the Chief of Police.
    e. Ammunition is disposed of through pre-approved appropriate means.
    f. Controlled substances are burned or otherwise disposed as a hazardous waste material.
    g. Hazardous materials are disposed through an authorized, pre-approved hazardous waste disposal firm.
    h. Knives, clubs, BB or pellet guns, or other dangerous weapons are destroyed in an appropriate manner.
    i. All unclaimed money is deposited in the Town of Argyle 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 owner 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 a magistrate. 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 may be traded or sold to a licensed firearms dealer in

accordance with CCP 18.19 only after approval and documentation from the Chief of Police. 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 transports the firearms to a destruction facility or requests that the Town of Argyle Public Works department destroys the weapon. The Property Custodian and another Town employee 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

All ammunition eligible for destruction shall be destroyed in an appropriate manner.

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 District Attorney, destruction may not take place until the case is disposed of and authority for disposal is given by the prosecutor assigned to the court. This authorization must be written and noted on the Request for Disposal form. A signed destruction order shall be required for destruction of other narcotics evidence.
   c. Items to be destroyed are pulled from their storage locations and placed in destruction bins A Z1 and A Z2.
   d. The Property Custodian sets an appointment to utilize the Argyle Police Department's "Drug Terminator" destruction barrel.
   e. The alternate Property Custodian will accompany the Property Custodian for the destruction of narcotics. Each attendee that witnesses the destruction of the controlled substances, 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 Argyle Fire

District's Hazardous Materials Unit for direction and assistance with disposal efforts.

XI. 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 Town or may be auctioned by a private company contracted by the Town.
   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.

XII. 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 Criminal Investigations Supervisor 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 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.

XIII. 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 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 CID Supervisor.

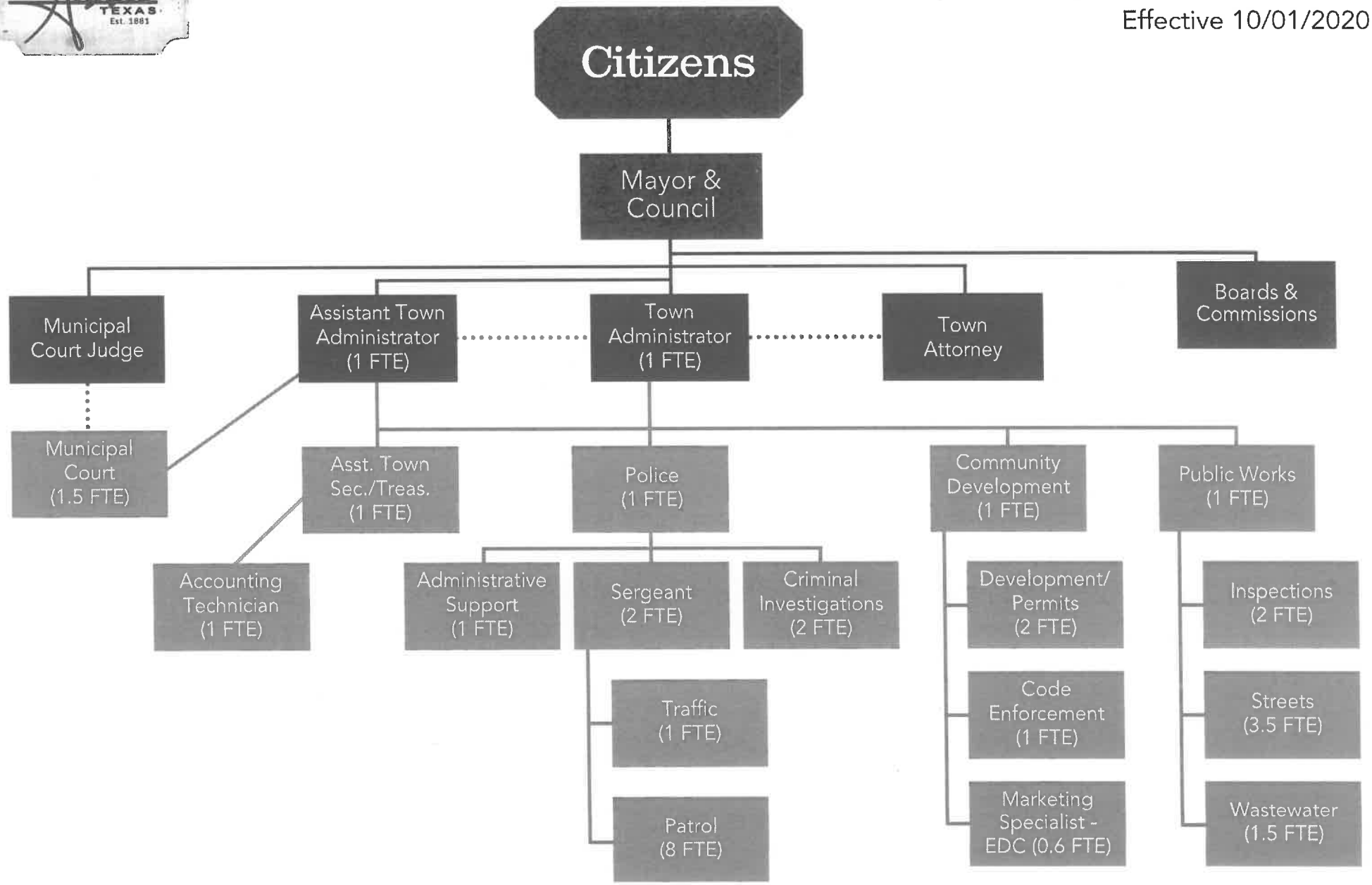
a. The CID Supervisor will assign an officer not connected to the operation of the Property Room to assist and observe the inventory. The Property Custodian will conduct the inventory with the assistance of the assigned individual.

b. Sampling will include the following - A complete inventory of all Guns, Drugs and Money and at least five (5) percent or fifty (50) items (Whichever is less) 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 half of the items and locating them in the Property Room. The second part will be done by randomly selecting the other half of the items in the Property Room and locating the item's paperwork to test the record keeping system.

c. 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 CID Supervisor makes a determination if an investigation into the loss is warranted.

C. Whenever any firearm, money or controlled substances are discovered missing, the CID Supervisor is notified immediately and an investigation initiated.

Tov f Argyle
Organization Chart FY 2021
Effective 10/01/2020



	ARGYLE POLICE DEPARTMENT
	Patrol Standard Operational Procedures
	Effective Date: 10SEP21 | **Replaces: 23OCT19**
	Approved: _____ Chief of Police
	Reference: TBP **7.26, 7.33, 8.01, 8.02, 8.12**

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PATROL STANDARD OPERATING PROCEDURES

I. ORGANIZATION AND ADMINISTRATION

A. The Patrol Division is commanded by two Patrol Sergeants who shall have authority to command all assigned personnel directly or through subordinate supervisors. The Patrol Sergeants report to the Chief of Police.

B. This Patrol Standard Operating Procedure will be maintained and reviewed by the Patrol Sergeants. The SOP will be review annually by the Chief of Police 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 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. Briefing

1. At the beginning of each shift, all patrol personnel report to roll call briefing. Briefing is conducted by the on duty patrol sergeant or their designee and normally consists of:
    a. Briefing officers with information regarding daily patrol activity, unusual situations, and major investigations.
    b. Notifying officers of changes in schedules and assignments.
    c. Notifying officers of new directives or changes in directives.
    d. Evaluating officer readiness to assume patrol duties.
    e. Identifying any potential or known hazards that are within the Town or that could affect police operations.
    f. Roll call training as determined to be necessary or required.

g. Issuing of ancillary equipment.
h. Conducting uniform and weapon inspections

2. Personnel may be dispatched to any call for service at any time after the beginning of their tour of duty.

C. Court Subpoenas and Appearances

1. Municipal Court requests for appearances will be posted via interoffice email. Officers will consider these requests 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 Court as soon as possible by the Supervisor.
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 a 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.

D. Requests for Appearance from County Prosecutors.

1. Officers who receive notice of a Request for Appearance from the Denton 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 secretary of the court, or other departmental authority.
2. Officers are compensated for the time spent on the assignment. 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.

E. Meal Breaks

1. No more than three uniformed officers and two marked police vehicles (including motorcycles) will meet and check out at any eating establishment. The exception to this is:
   a. When uniformed officers are attending departmental functions. or
   b. When approved by the officers immediate supervisor.

2. Length of Coffee and Meal Breaks
   a. Coffee breaks will not exceed fifteen (15) minutes.

b. Meal breaks will not exceed thirty (30) minutes (This time is not inclusive of time spent traveling to pick up food).
c. Town Policy refers to 60 minute meal breaks, this is for administrative staff that work without pay for that portion of time and are not subject to recall.
d. Officers do not check out on meal or coffee breaks during the first hour of their patrol shift or during the final hour of their patrol shift unless approved by a supervisor.

F. *Emergency Staffing Contingency*

The following schedule is followed in the event of an emergency.

1. Level I Normal Staffing
   a. CID On-Call and available if needed
   b. Patrol-On Call and available if needed
   c. Normal readiness
   d. All Officers carry cell phones
   e. 2 hour response capability if called for service

2. Alert: If an Alert is declared
   a. All Officers carry cell phones
   b. Officers 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 Increased Staffing
   a. All vacation and leave are cancelled
   b. Normal work hours
   c. Non-Patrol personnel reports in uniform remain available for patrol assistance.

4. Level III Emergency Recall
   Utilize the following Recall procedure depending on the time of day the recall is made. If the recall is made between:
   a. All personnel report as requested and as scheduled until cancelled.

5. Level III Extended Increased Staffing
   a. All personnel report as requested and as scheduled until cancelled.

6. Emergency Mobilization Locations
   a. Should emergency mobilization be required all personnel summoned to report to work will report in full uniform to main police facility 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. Garrison hat with badge
    b. Long sleeve uniform shirt
    c. Tie
    d. Badge
    e. Name plate
    f. Service/proficiency/award bars (optional)
    g. Collar insignia (Rank of Patrol Commander and higher)
    h. Trousers
    i. Socks
    j. Dress shoes/boots
    k. Leather Belt rig containing ONLY the following equipment
    l. Inner belt
    m. Outer belt
    n. Holster
    o. Duty weapon
    p. Double magazine holder with loaded magazines
    q. Handcuff case with handcuffs
    r. 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.
    s. In the event of inclement weather
        i. Rain gear
        ii. Garrison cap cover

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 Patrol Commander and higher)
    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 equipment
    j. Inner belt
    k. Outer belt
    l. Holster
    m. Duty Weapon
    n. Magazine holder with loaded magazines
    o. Handcuff case with black or silver handcuffs

p. Radio holder with portable radio and shoulder microphone (microphone is optional)
q. As certified ASP baton with holder
r. As certified OC with holder
s. As certified CEW with holder
t. Mini flashlight holder with flashlight (optional)
u. Garrison hat with badge
v. Foul weather gear (if needed)
    i. Wind breaker
    ii. Rain coat Black reversible orange Blauer preferred.
    iii. Garrison cap cover
    iv. Turtle neck
    v. Insulated Gloves if needed

3. Class C "Work/Special Duty Dress" consists of the following components:
    a. Designated T-shirt
    b. Trousers and/or departmental jumpsuit
    c. Navy-blue or black socks
    d. Black shoes/boots
    e. Designated ball cap (optional)

4. Class D "Physical Training Dress" consists of the following components:
    a. Designated T-shirt
    b. Departmental shorts/sweat pants
    c. Solid white socks
    d. Athletic shoes

5. 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.
6. 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 Services.
7. Each officer ensures that their equipment is kept in a state of repair and readiness
8. Uniforms will be replaced, as need is demonstrated, by the Department and uniform items will be issued through the quartermaster system.
9. Uniform Shorts: Uniform field officers of Police Department will be allowed to wear uniform shorts. No Lycra or other similar bike shorts will be visible under the shorts. Officers wearing shorts will wear low quarter solid black shoes with black ankle socks. Socks will be worn extending at least one inch but not more than two inches above the shoe. Shorts will not be worn when attending the following duties:
    a. Testifying or attending any court
    b. Working off-duty assignment at Town Council or other town meetings
    c. Note: Sunburn is not a Worker's Compensation issue. Officers are encouraged to use sunblock if needed.

10. Caps: Ball caps will not be normal uniform items and will not be worn by officers unless approved by the Chief of Police or they are authorized in circumstances where an officer's assignment requires them to be outside for extended periods during the day directing traffic.

III. ADMINISTRATIVE REQUIREMENTS

A. Calls for Service

Members of the Patrol Division are 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 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 and other appropriate departmental personnel not generally assigned to field services may also be contacted and requested to provide emergency assistance when necessary.

3. Trainees are not included in the calculation for the number of personnel/units dispatched or responding to a specific call or location.

4. 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 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. Daily Activity Report

1. Daily activity is compiled based on the CAD records created automatically when officers perform any activity. Officers are not required to supplement these records

unless requested by a supervisor. An example of this would be compiling traffic counts, STEP activity requests or other necessary information.

D. Radio Communications

1. Unless necessary for officer safety, officers and communications specialists utilize plain English language description of calls and activities to ensure clear understanding. Signals and 10-codes are still utilized for data entry and where officer safety is a concern.

E. Portable Radio Usage

1. Officers assigned to the Patrol Division are issued portable radios. Officers are to carry the radios in a case on their equipment belt while on duty. Officers may choose to utilize a shoulder microphone if available.

2. Portable radios will not be used in lieu of checking out with the communicator, when officers are out of their assigned unit.

F. 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. A report detailing what is believed to be a criminal offense shall be titled with the offense and Penal Code number. Incidents which need to be recorded but not a clear offense should be titled Information Report.

3. 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.

4. At no time are reports to be delayed involving in custody arrests.

IV. PATROL FIELD TACTICS AND OPERATIONAL PROCEDURES

A. Active Shooter Incident

1. It is the policy of this department to protect life by any legal means possible. Officers responding to an active shooter incident shall accomplish this goal by immediately using any legal means at their disposal to make contact with the active shooter and stop him. This may include arrest, containment, or use of deadly force.

2. The philosophy driving this policy recognizes that the active shooter must be stopped before he can destroy any more innocent lives. This shall be the duty and responsibility of the initial responding officers, and they shall use all legal means to accomplish it. The prioritization of activities, in their order of importance IS:
    a. Stop the active shooter
    b. Rescue the victims
    c. Provide medical assistance
    d. Preserve the crime scene.

3. While it is important to provide medical treatment to the wounded, it is our duty as law enforcement officers to first protect all innocent life by stopping the actions of the active shooter.

4. Definition - Active Shooter. One or more subjects who participate in a random or systematic shooting spree, demonstrating their intent to continuously harm others. Their overriding object appears to be that of mass murder, rather than other criminal conduct, such as robbery, hostage taking, etc.
    a. For purposes of this policy, the term "active shooter" will also include anyone who uses any deadly weapon (knife, club, explosives, etc.) to systematically or randomly inflict death or great bodily harm on people.

5. Procedure
    a. All enforcement personnel who are not on an emergency call shall respond to the scene of an active shooter incident.
    b. Contact Team -The first responding officer(s), up to four, shall form a contact team and go in immediate pursuit of the active shooter. A single officer response, while not ideal, is permissible if additional officers are not available and there is an immediate need to preserve lives. The focus is to make contact as soon as possible and stop the active shooter by arrest, containment, or use of deadly force. The team will be subject to 540-degree vulnerability and will not do a thorough clearing. They will continue on past victims or harmless distractions. The location of victims may be relayed to the rescue team.
    c. Rescue Team -The second set of 4 officers arriving on the scene will form a rescue team, which will locate and remove injured victims, and direct uninjured victims out of the building. Rescue team members should remember that uninjured victims may nonetheless be in shock, or paralyzed with fear, and not respond to regular verbal commands. Rescue team

members are to remain constantly vigilant as the rapidly changing dynamics of the incident may put them in contact with the suspect and they will be subject to 540-degree vulnerability.

d. Officers should make entry at a location other than the main entrance, if possible, as this is the place where a suspect might logically set up barricades, explosives, or an ambush. Pre-designated entry points have been identified.

6. All personnel are to restrict their use of the radio for emergency traffic only.
7. Incident Command - The first command officer on the scene, who is not part of a contact or rescue team, will be the incident commander, and will establish a command post, and initiate incident command operations.

B. Building Searches

1. The officer in charge formulates and directs a search plan based on the physical layout of the building.
2. Notify the dispatcher that you are entering the building, the dispatcher should close the channel to all but emergency traffic, and officers entering the building should reduce the volume of their portable radios or use an earpiece.
3. 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 is never to be made by less than two officers.
4. 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,
5. Locate the lights and illuminate the area to be searched as the search progresses, however avoid "back lighting" yourself.
6. Determine the means by which a suspect may go from one level to another and secure them. Divide the building into sectors and search methodically, keeping officers abreast of each other. Never separate or lose sight of fellow officers.
7. Anticipate ambush points. Use imagination in finding hiding places, look up, check trash containers, air conditioning vent, etc.
8. Contact the dispatcher and re-open the channel as soon as the building is clear.

C. Felony Stop Procedures

1. 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.

2. 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.

3. The following procedures shall be used in effecting the stop:

    a. The officer shall plan to stop the suspect vehicle in a location which presents minimal danger to the public.

    b. When conditions are appropriate and support units available, the officer shall move into position to the rear of the suspect vehicle.

    c. The officer shall signal the violator to stop, using all emergency equipment to warn other traffic.

    d. The violator shall be stopped on the extreme right side of the road.

    e. If the violator is known to be armed and dangerous, the officer shall have his weapon easily accessible and ready for immediate use.

    f. When the suspect vehicle begins to stop, the officer shall turn off the siren and turn on the public address system.

    g. The officer shall park the patrol vehicle so that it provides maximum protection and cover.

    h. At night, the officer shall focus all lights on the interior of the suspect vehicle.

    i. The officer shall leave the patrol vehicle quickly but remain behind the door and accessible to the public address system microphone.

    j. The officer making the stop is in command and shall direct each occupant, using the public address system, to get out of the vehicle and into the secure search position. First, once suspects are stopped, the officer shall order the driver to shut off the motor and drop the keys on the ground outside his door. Next, the officer shall order occupants to place their hands, palms up, on the ceiling of the vehicle. Officers shall then order occupants to exit the vehicle on the driver's side only, one at a time. Occupants should be ordered out of the vehicle one at a time. They shall be ordered to execute a "Tinkerbelle" turn to expose hidden weapons. They should be ordered to walk backwards in the direction of the patrol

vehicle then drop to their knees with their ankles crossed. The subject will then be cuffed and moved back.

k. 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.]

l. To reduce confusion, the officer shall instruct support officers, as appropriate, and shall be the only officer to direct the suspects.

m. The support officers shall cover the arresting officer and remain on the curb side of the vehicle until all occupants are in the search position.

n. Officers shall exercise extreme caution not to get within each other's line of fire.

o. When all occupants have been removed from the vehicle, the support officers shall move to cover the arresting officer while the suspects are searched.

p. Arrestees shall be searched and handcuffed before transportation.

D. Foot Pursuits

1. 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 reasonably acceptable.
2. 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.
3. In deciding whether or not to initiate a pursuit, an officer shall consider the following alternatives to foot pursuit:
    a. Containment of the area
    b. Canine search
    c. Saturation of the area with patrol personnel
4. In deciding whether to initiate or continue a foot pursuit, officers shall also consider risk factors whenever officers are:
    a. acting alone,
    b. the number of suspects.

c. in an unfamiliar area,
d. in an area that is hostile, such as a notorious drug trafficking location,
e. pursuing suspects who are known to be or suspected of being armed,
f. unable to obtain backup in a timely manner,
g. not in adequate physical condition to conduct a foot pursuit,
h. unable to establish and maintain contact with the communications center, or
i. pursuing in inclement weather, darkness, or reduced visibility conditions.

5. 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.
6. The officer initiating a foot pursuit shall, as soon as practical, provide the following information to Communications:
    a. Unit identifier
    b. Reason for the foot pursuit
    c. Officer location and direction of pursuit
    d. Number of suspects and description
    e. Whether or not the suspect(s) is armed
7. 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.
8. When two or more officers are in pursuit, they shall 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.
9. 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:
    a. If the officer believes the danger to pursuing officers or the public outweighs the necessity for immediate apprehension.
    b. While acting alone. If exigent circumstances warrant, the lone officer shall keep the suspect in sight from a safe distance and coordinating containment unless the officer can catch and restrain the suspect in the immediate area of escape attempt.
    c. 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.
    d. If the officer loses possession of his firearm.

e. If the suspect's location is no longer known.
f. If primary officers lose communications with EOC or communication with backup officers is interrupted.
g. 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.
h. If the officer loses visual contact with the suspect.
i. If the officer is unsure of his or her own location or direction of travel

E. In-Progress Calls For Service

1. 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.

2. The following are general guidelines for the handling of the majority of in progress calls:
    a. The responding unit should go to the site of the premises where the case is most likely occurring.
    b. Officers will respond code 1 to all non life threatening in progress calls
    c. If, possible, officers should position their vehicle short of the scene to avoid showing your presence and position.
    d. Take appropriate time to size up the situation and formulate a plan, and to advise your cover officer.
    e. On armed robbery calls, for the safety of the victim and bystanders, arrests can best be affected outside the building.

F. Adverse Weather Response

1. 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 the following locations:
    a. Any protected area in your district.
2. The department supplies its patrol division personnel with cellular telephones. On a daily basis the officers unit's telephone number is supplied to the Communications Center. In the event of the loss of emergency communication (radio system) the communicator contacts the patrol office via the telephone with instructions on which back up radio system the officer is to switch to.
3. In the event of loss of traffic control devices due to a power outage, officers are to check the major intersections within their patrol district. Upon discovery that the control device is inoperable, the officer notifies TXDOT.

4. The officer contacts the Public Works to set up temporary traffic control devices.
5. In the event that any roadway becomes impassable due to adverse road or weather conditions the officer:
    a. Deploys the number of Police personnel required to effectively handle the situation;
    b. Determines which alternate routes should be used;
    c. Requests temporary traffic control devices and directs their use;
    d. Requests assistance from Public Works personnel, if needed;
6. Equipment: The Department keeps the following equipment available to respond to such situations:
    a. Portable Stop Signs
    b. Traffic Cones
    c. Barricades from PW.
    d. Road Flares.

V. FIELD PROCEDURES FOR SPECIFIC INCIDENTS

A. Accident Investigation

1. APD Policy 7.31 for procedures.

2. Enforcement Action

    a. Patrol Officers refrain from issuing citations for non-hazardous violations not occurring within their view and presence. Trained accident investigators assigned to the traffic division, upon the completion of their investigation may file appropriate charges, including the issuance of citations at the scene.

3. Hazardous Material Involvement
    a. In the event of Hazardous Material involvement a perimeter is established around the accident site, limiting access to emergency personnel.

    b. In the event of a large hazardous material spill or release, officers will contact the Fire Department for response. The Fire Department has access to BIO-Hazard equipment and is trained to respond to such emergencies. (TBP: 8.12)

    c. Officers shall maintain a Hazardous Materials Guidebook or appropriate application on their phone or MDC so that spills or releases from vehicles displaying placards can be easily identified.

B. Alarm Response (TBP: 7.26)

1. Classifications
    a. Burglary
    b. Panic
    c. Robbery
    d. Medical
    e. Fire

2. Officer Response
    a. Officers determine if the channel should be closed except to emergency traffic.
    b. Unless dispatch information indicates a person is in immediate danger, officers will respond to burglar and fire alarms Code 1 or routine driving. Officers will not delay their response.
    c. The responding officer determines if a key holder should respond.
    d. Officers stand by if advised that a representative is coming to their location.
    e. Complete the required reporting documentation.

C. Burglar Alarm Responsibilities

a. Officers will park in a tactically advantageous position so as not to alert any offenders of their arrival.
b. Officers will carefully conduct an observation of the building or residence to determine if there is evidence of entry.
c. If an open door or window is found open or unsecured, a request for a 2nd officer will be made.
    i. A minimum of two officers are to enter the building.
    ii. Officers advise the communicator of the location of the open door or window and if officers are entering the building.
    iii. Officers determine if the channel should be closed except to emergency traffic.
d. The responding officer determines if a representative of the household should respond.
e. Officers stand by if advised that a representative is enroute to their location. If a representative or owner is not enroute, the location should be secured to the extent possible.
f. Prior to clearing the scene the primary officer leaves a business card with the reason for response and entry and leaving it in a conspicuous place.
g. Call notes indicating the actions taken is required if any evidence of entry is observed or if officers entered the location without an owner present.

D. Panic Alarm Responsibilities

a. 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.
b. The responding officer will have the dispatcher attempt to contact the residence by phone prior to approach.
c. If contact is made, request the complainant meet the officer outside.
d. If no contact is made, the officers should carefully approach the location and attempt to determine if anything is wrong.

E. Medical Alarm Responsibilities

a. 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.
b. 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 enroute and can easily locate the victim.

F. Fire Alarm Responsibilities

a. If 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.
b. If arriving prior to the Fire Department, advise the dispatcher if any evidence of fire is showing (flames, smoke, and evacuated facility, etc.)
c. If no evidence of fire is present and the Fire Department has not yet arrived, attempt to locate the fire alarm location and responsible party.
d. If arriving after the Fire Department, consult with the Fire Department officer in charge for their needs such as crowd control and traffic management.

G. Arson Investigations

1. The investigation of arson is primarily the responsibility of the Fire Department. Police Department will assist in any way possible.

H. Assault Investigations

1. The primary officer assigned is responsible for the initial investigation. The officer controls the scene to ensure all evidence is protected. The officer is to establish that

an actual offense has taken place. The officer's investigation should include, but is not limited to the following.

a. Interview with the victim
b. Interview all witnesses and obtain written statements.
c. Identity of all individuals at the location at the time of the offense.
d. Identify the suspect (to include name and address)
e. Relationship of the victim and suspect (family member, etc.)
f. If possible interview the suspect.
g. Description as to the method of assaults (hands, weapon, etc.)
h. Description of the injuries.
i. Description of the crime scene.
j. If the assault is aggravated in nature CID is notified and requested to respond to process the scene, including taking photographs of the victim.

I. Auto Theft (UUMV) Investigations

1. The responding officer is responsible for the preliminary investigation. The officer is to establish that an actual offense has taken place. The officer's investigation should include, but is not limited to, the following:
    a. Accurate description of the vehicle make, model, year, and color.
    b. Registration information including the vehicle identification number.
    c. Any distinguishing information (bumper stickers, decals, body damage or any other identifiable details.
    d. Lien holder information, determine if the payments are up to date or if there is the possibility of a repossession.
    e. How many sets of keys, where they are located, and displayed.
    f. Amount of fuel in the vehicle
    g. Complete NCIC/TCIC entry forms.

2. If a stolen vehicle is located, the officer determines the need for CID to respond to process the vehicle for evidence. If CID is needed, the officer's immediate supervisor is notified. The supervisor will make the initial request to have CID respond.

J. Bank Alarm/ Robbery Response (TBP: 7.26)

1. Upon receipt of a financial institution alarm, a minimum of two patrol units shall be dispatched.
2. 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, his direction and mode of travel and a complete description of any vehicle involved.

3. If the robbery notification is made by alarm, the dispatcher shall not attempt to contact the institution in order to determine the validity of the alarm until officers have given notice that they are in position at the establishment.
    a. If the dispatcher is subsequently notified that the alarm is false, he shall advise the caller that police units are responding;
    b. obtain the identity of and maintain contact with the caller
    c. verify the false alarm with a key employee of the establishment (e.g., manager or head teller) and advise him that he will need to exit the facility to meet the responding officers utilizing the department's prearranged signal; and
    d. obtain a physical description of the key employee and provide responding officers with the description and the fact that the employee will meet them outside as required.
4. 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.
5. Responding units to the scene should be observant of any suspicious vehicles leaving the scene as well as other vehicles or persons outside the facility who may be serving as lookouts, cover or drivers for a robbery team.
6. The first unit on the scene shall serve as the primary unit, and shall take a position in front of the facility 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 building.
7. 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 budding perimeter covering all exits and entrances.
8. Once the building 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 establishment. If the call is made, the dispatcher shall identify himself 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.
9. If a robbery in progress is suspected, the primary unit or supervisory officer shall determine whether to request additional backup and whether specialized units shall be alerted.
10. Unless otherwise directed, officers shall wait until suspects have exited the building before attempting apprehension. This helps to avoid the development of a hostage situation.
11. Once perpetrators have been apprehended, the crime scene shall be secured by officers in preparation for processing by crime scene technicians, departmental investigators and federal agents.

12. If a robbery has been committed and the perpetrators 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 perpetrators for supplemental broadcast. Remaining units should initiate the search for suspects on likely escape routes, being alert to unusual activities and circumstances.
13. If the dispatcher notifies officers that he has been in contact with an employee of the establishment and there does not appear to be a robbery in progress, officers shall determine the identity and description of the employee and wait for him 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.
14. 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 facility 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 owner or the establishment's designated contact person to meet them at the location.

K. Barricaded Subjects/Hostage Investigations (TBP: 8.01)

1. Events involving hostage or barricaded suspects will be addressed in accordance with the Incident Command System.
2. A supervisor is dispatched on any Barricaded suspect or Hostage situation.
3. The responding supervisor will assume the duties of the Incident Commander until relieved by a higher-ranking officer.
4. Goals to be accomplished are:
    a. Protection of the Public
    b. Containment of the Suspect
    c. Protection of Hostages, and
    d. Case Resolution
5. Responding Officers
    a. Upon arrival at the scene of a barricaded suspect/hostage situation, the first activity should be to limit access.
    b. 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 nor to risk confrontation with a suspect.
    c. Once confirmation has been made that a barricaded suspect/hostage situation in fact exists, the on-duty supervisor will be notified.
    d. All attempts during this phase are geared toward avoiding confrontation and in favor of controlling, containing the situation until the arrival of additional personnel specifically trained in case resolution.
6. Incident Commander Responsibilities:
    a. Restrict a radio frequency

b. Establish an inner perimeter to prevent inadvertent entry of the public and prevent the escape of the suspect.
c. 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.
d. Request Communications notify the Chief of Police, PIO Officer and request activation of the DCSO Emergency Response Team.
e. Begin evacuation of nearby homes, offices, or buildings as necessary.
f. Issue Rules of engagement to all on-scene officers.
g. Obtain necessary equipment including:
    i. Telephones and batteries (2)
    ii. Maps of area
    iii. White board and markers
h. The Incident Commander selects personnel and makes the following assignments:
    i. Operational Officer
    ii. Information Officer

7. The Incident Commander conducts a team briefing upon arrival of negotiations and tactical team members.
8. The Incident Commander consults with both the lead negotiator and the tactical team supervisor prior to the authorization to use force.
9. Designates an arrest team to take charge of the suspect should he surrender.
10. Ensures the following information is assembled:
    a. Obtain the phone number of the location and where the phone is located within the structure.
    b. Obtain a drawing or floor plan of the location, including entrances, location of windows, inside and outside doors, access to the garage from inside the location.
    c. Obtain as much information as possible about the suspect(s) and hostage(s) to include:
        i. Name,
        ii. Physical description,
        iii. Clothing description,
        iv. Military background,
        v. Criminal history,
        vi. Weapons and
        vii. Mental state.
    d. A record check should be made and station files perused for past arrests or contacts with the suspect(s).
    e. Have 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.
11. The Incident Commander designates the following assembly areas:
    a. Medical - Safe Area
    b. Media Assembly Area
    c. Equipment/Personnel Staging Area

12. Perimeter Control
    a. Establish an outer perimeter for traffic and crowd control.
    b. Adjacent law enforcement agencies may be used for this purpose;
    c. If there is a shortage of personnel, a fire engine or radio car can be used to block a street or intersection. In addition control points can be established utilizing members of the Public Works Department.
13. Evacuation:
    a. Evacuate surrounding buildings or residences, if this can be done safety.
    b. Select a location where evacuees can go (coffee shop, Laundromat, schools, gymnasiums etc.), and advise them when it is safe to return to their homes.
    c. Record the name and address of anyone who refuses to evacuate after being warned of the potential hazards.
14. Medical Assistance:
    a. An ambulance, fire department and paramedic unit will stand by near the command post.
    b. Injured persons are evacuated as soon as it is safe to do so.
    c. When recovery is complete the injured person(s) are immediately transferred to a predetermined safe area, which is to be determined by the Incident Commander.
15. Media
    a. Select a location to assemble responding press representatives and assign someone to brief and remain with them pending arrival of press liaison personnel
16. Hostage Negotiations Team Responsibilities:
    a. The Hostage Negotiation Team are responsible for the following:
    b. Making contact with the suspect(s).
    c. Contact the suspect(s) by phone or P.A. system and attempt to get them to surrender.
    d. Obtain their demands, but make no commitments.
    e. Do not allow the suspect(s) and hostage(s) to leave the location.
    f. Do not allow friends, relatives or other interested persons to enter the location.
17. Tactical Team Responsibilities:
    a. Inner Perimeter surveillance.
    b. Removal of the injured, with in the inner perimeter.
    c. If negotiation fail, the Tactical Team will make entry into the structure and contact the suspect(s)
18. Post Event Investigation
    a. Determine if a crime has been committed and locate victims. Obtain names, addresses and statements as soon as possible.
19. Required Reporting Documentation:
    a. Chronological log of all activities to be completed by the Incident Commanders designee.
    b. Case Report, to be completed by the officer originally assigned to the call for service

c. Supplemental Report, completed by all personnel involved in the case.

L. Bomb Threats (TBP: 8.02)

1. The Incident Command System structure will be utilized for Response to Bomb Threats.
2. When a bomb threat or report of a bomb threat is received by communications personnel, the communicator dispatches both police and fire personnel depending on the credibility of the threat or the presence of a suspicious device.
3. Use of radios, mobile telephones, mobile data terminals, computers or any device capable of emitting "RF" energy may be utilized except as follows:
    a. Personnel refrain from use of such devices if within 100' of an identified device.
    b. Personnel refrain from use of such devices if requested by on-scene commander.
4. A non-credible bomb threat call is considered a Code-1 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.
5. A credible threat or a suspicious package will be a Code-3 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 company hurt my family, I'm going to get even. You have ten minutes to get out of the building".
6. Arrival on Scene
    a. The first officer to arrive makes personal and immediate contact with the complainant. Other assigned officers stage away from the suspected building/area until otherwise advised by the responding officer and supervisor.
    b. Other police personnel responding stage their vehicles at a location designated by the supervisor.
7. On Scene Procedure
    a. The first officer gathers all needed and available information from the complainant and others present and available to provide the information.
    b. The supervisor meets personally with the first responding officer and the complainant. The supervisor and complainant will evaluate the threat and determine whether a search or evacuation is warranted.
    c. Searches are conducted by the owner/occupants of the building due to their familiarity with the complex. The police supervisor may assign officers to escort the owner/occupants conducting the search. Personnel conducting the search 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.

d. Do not touch anything, do not move anything.

8. An evacuation should be conducted on any building or area suspected of containing a bomb or explosive device. If it is decided to evacuate, the police supervisor requests that the building security personnel, owner, or manager announce an evacuation in a calm and orderly manner over the buildings public address system, or through face to face communications with the buildings occupants. Facilities such as schools and government buildings 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.
9. If a device is found or if the police supervisor needs assistance with search operations, Fire Department is dispatched to the scene.

NOTE: While we do have the authority to order an evacuation should a device be located, the decision to reenter the facility after an evacuation will be made by the person in charge of the facility and not police personnel. We can and should inform the person in charge of the facility that reasonable efforts have been made to determine if a device is present.

10. If Fire Department responds, the police supervisor meets with the fire supervisor and establishes Unified Command.
11. If a suspected or confirmed bomb or explosive device is located:
    a. The incident commander calls for an appropriate evacuation of the building or area
    b. Personnel are strategically placed to ensure that the building or area is secured.
    c. An Explosives Response Team is notified to respond to any situation that deals with explosives, bombs, explosive devices or items that are presumed to contain explosives.
    d. 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.
12. ERT representatives respond and meet with the Incident Commander. The Team Leader of the NERT assumes control over the immediate blast area, subject to the approval of the Incident Commander prior to the action being taken.

M. Burglary Investigations

1. The primary responding officer is responsible for the initial investigation. The officer controls the scene to ensure that all evidence is protected. The officer is to establish that an actual offense has taken place. The investigation should include, but is not limited to the following:
    a. the point of entry (including the method of entry)
    b. The point of exit.
    c. point (points) of impact (what the suspect did while on the scene)
    d. Determination of missing and damaged property.
    e. interview of all witnesses and obtain written statements.
    f. interview with the neighbors or area businesses

2. The officer is to determine the need for CID to respond to process the crime scene. CID is requested to respond to and process all residential and major business burglaries

N. Burglary in Progress Calls for Service

1. On all burglary in progress calls a minimum of two (2) officers are dispatched to the scene.
2. Upon the officer's arrival an exterior perimeter is established. The primary officer may call for additional officers.
3. Once a perimeter is established, additional officers may search the building after a verbal attempt to contact any occupants/actors. Buildings are not to be searched by a lone officer.
4. If the owner of the property is present, neither they nor any other person are permitted to assist with the search until the building has been cleared. Have civilians stage away from the building in a place of safety.
5. The officer in charge of the scene should make the determination if the radio channel should be closed to all but emergency traffic. The call can also be handled on an alternate radio frequency if needed.

O. Child Abuse

1. 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.
2. 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:
    a. the physical condition of the child;
    b. a description of the abusive or neglectful behavior;
    c. 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;
    d. description of suspicious injuries or conditions;
    e. the nature of any statements made by the child concerning parental maltreatment; and
    f. any evidence of parental indifference or inattention to the child's physical or emotional needs.

3. Officers will contact a supervisor and provide information regarding the situation. Upon the approval of a supervisor, Child Protective Services is notified, and if needed, their immediate response to the scene is requested.
4. Upon the approval of the supervisor, the Criminal Investigations Division is notified and requested to respond.
5. When the source of the report cannot be identified and/or time is not of the essence, a report of the complaint shall be made to the state child protective authority as prescribed by law.
6. Where reasonable suspicion exists for further investigation, a coordinated investigative effort should be undertaken with the Child Protective Services.
7. Immediate action shall be taken by officers when
    a. the complaint warrants arrest or criminal prosecution;
    b. child protective personnel are not available and time is of the essence;
    c. the child is in danger and child protective personnel cannot respond;
    d. the suspected perpetrator may flee;
    e. police presence is required to maintain order or to protect the safety of child protection officers; or
    f. when the child must be taken into protective custody against parental wishes.

8. 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 welfare authority officers should be sought if available in a timely manner. Parental permission is not required in order to remove the child under emergency circumstances.

9. 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.

P. Consumption of Alcohol by a Minor

1. Where a person is underage and suspected of having consumed an alcoholic beverage, and the officer believes the subject to be intoxicated, the officer conducts standardized field sobriety tests.
2. When an officer determines that a person is underage and has consumed an alcoholic beverage, the officer undertakes one of the following actions:
    a. If the minor is under the age of ten years:
        i. The child is released to a parent or another responsible adult.
        ii. An incident report is completed.
    b. If the minor is at least age ten, but less than 14 years:

i. 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
ii. The minor may be taken into custody, transported to the Police Facility, processed as a juvenile offender, and detained in a court-approved area until released to the parent.
iii. An incident report is completed.

c. If the minor is at least 14 years, but less than 17 years:
i. A citation is issued for Minor in Consumption; and
ii. 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
iii. The minor may be taken into custody, transported to the Police Facility, processed as a juvenile offender, and detained in a court-approved area until released to the parent.
iv. An incident report is completed.

d. If the minor is at least 17 years, but less than 21 years:
i. If the officer determines that the minor has consumed an alcoholic beverage, and that the subject is **not intoxicated**, a citation may be issued and the subject released.
ii. If in public, and the subject is intoxicated, and cannot be released to a parent or other responsible adult, the individual is booked as an adult for Public Intoxication.
iii. If not in public, and intoxicated, contact a parent or responsible adult, release to their custody and issue a citation for Minor in Consumption.

3. Disposition of Evidence:
a. When an officer arrests or issues a citation to a person for public intoxication, or for any other alcohol-related Class C misdemeanor or town ordinance violation, he/she will seize any alcoholic beverage in the possession of the person at the time of the arrest or citation
b. Alcoholic beverage containers seized in accordance with the preceding paragraph will be disposed of as follows:
i. 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.
ii. Destruction of any alcoholic beverage at the scene is done within view of the officer's video device.
c. An "open container" violation written to a 21 or over adult will not result in the seizure of the closed containers.

Q. Death Investigations

1. 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, based on the circumstances, perform the following:
    a. Identify and arrest any perpetrator(s) if present.
    b. Ensure officer safety and the safety of others by safeguarding any weapons at the scene.
    c. Administer emergency first aid if necessary and/or summon emergency medical personnel.
2. 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.
    a. If the officer determines that the person is dead, the factors surrounding that determination shall be entered into the officer's report.
    b. Officers shall resolve any doubt concerning the life or death of a subject by summoning appropriate medical assistance.
3. Isolate and protect the crime scene from any intrusion by non-essential personnel including officers not directly involved in the crime scene investigation.
4. Notify a supervisor 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, an investigative officer shall also be summoned.
5. Observe and note pertinent circumstances at the scene.
    a. Protect the scene.
    b. Record the nature of any physical modifications to the crime scene as the result of intervention by emergency medical personnel or others.
    c. Record in a crime scene log the identity of any persons who were present at or who entered the crime scene.
    d. 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 investigators.
    e. Identify and ensure that any suspects do not leave. Responding officers may conduct basic, preliminary questioning of a suspect or witness.
6. Supervisor Responsibilities.
    a. Verify that appropriate requests have been made for assistance by crime scene technicians, homicide investigators, and request any additional personnel to protect the crime scene or conduct the investigation as necessary.
    b. Receive a verbal report from initial responding officers regarding pertinent conditions at the scene upon their arrival, circumstances surrounding the death, the presence of witnesses and/or suspects, disposition of the body, and related details.
    c. Ensure completion of preliminary information collection and the protection and integrity of the crime or incident scene.
7. 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 coroner's response. In all other cases, bodies may be

covered but may not be moved without approval of the coroner or homicide investigators.

8. 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 medical examiners' office shall be notified.
    a. In any case in which there is doubt concerning the cause of death, the coroner's office and criminal investigators shall be notified and shall be responsible for conducting an investigation of the death.
    b. In cases of death by accident, suicide, homicide, or undetermined causes, the supervisor shall coordinate with homicide investigators and the coroner's office in protecting the scene and conducting a preliminary investigation of the incident.
9. Assistance to Survivors. Providing basic support and crisis assistance to survivors is the responsibility of both responding officers and investigators.
10. 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:
    a. The emotional reactions and physical condition of the survivors;
    b. Availability of other adults in the home or immediate area;
    c. Responsibility of the survivors for infants or small children;
    d. Home environment, if apparent, (e.g. evidence of excessive alcohol use or drug use, lack of means of financial support, shortage of food, problem with shelter, etc.); and Availability of a support system (e.g. including friends, family, close neighbors, access to clergy, means of transportation, etc.)
11. 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, family, clergy, crisis counselors, or other community social service agency.

R. Death Notifications

1. Preparations
    a. Death notifications should be coordinated with the Medical Examiners investigator on scene. The majority of notifications are handled by the M.E.'s investigator.
    b. All death notifications that are the responsibility of this agency shall be delivered in person unless the exigency of circumstances demands telephonic notification.
    c. 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.
    d. 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 and 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, then children.

e. Only where substantial delays would be required to make contact with next of kin should other relatives be contacted.
f. Officers should contact a supervisor for guidance when in doubt concerning next of kin or delays in notification.
g. Where another agency must be contacted to notify the next of kin, officers should
    i. request that the notification be made in person, and
    ii. request immediate verification when notification has been accomplished.
h. 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.
i. Officers shall ensure that they have on hand a list of referral agencies that may be helpful and should leave this with survivors.
j. Officers should, wherever reasonably possible, avoid using the name of the deceased over the radio prior to notification of immediate surviving relatives.
k. Where possible, two officers (preferably a male and female team) should be assigned to a death notification.
l. Officers should request the assistance of the agency chaplain or local crisis intervention specialist where feasible.
m. Personal effects of the deceased shall not be delivered to survivors at the time of death notification.

2. Making Notification
    i. Upon arrival at the residence or place of business, officers shall do the following:
    ii. Check the accuracy of the location;
    iii. request to speak to the immediate survivor;
    iv. identify themselves by name, rank and departmental affiliation;
    v. verify the relationship of the survivor to the deceased; and
    vi. ask to move to a place of privacy.
    b. 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.

c. 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.
    i. 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.
    ii. Officers should avoid graphic aspects of the incident and the use of police jargon.
d. Officers should be prepared for unexpected responses from survivors to include hysteria and possible verbal or physical attack.
e. Officers should provide survivors with sufficient time to regain composure before proceeding. Avoid attempts in the interim to provide comfort by using simple platitudes or trite phrases (e.g. "I know how you feel," "I know how hard this is for you.").

3. Providing Assistance and Referral
    a. Officers shall not leave upon completion of the notification until reasonably assured that the survivor has adequate personal control and/or family or close friend(s) readily available to provide support. In gauging the need for assistance, officers shall also consider the following:
        i. the emotional reaction and physical condition of the survivor;
        ii. the availability of other adults in the home;
        iii. responsibility for infants or small children;
        iv. home environment (e.g. evidence of excessive alcohol use or drug use, lack of means of financial support, shortage of food, problem with shelter, etc.); and
        v. availability of a support system (e.g. including friends, family, close neighbors, access to clergy, means of transportation, etc.)
    b. 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.
    c. Officers should remain alert to the possible need for medical assistance.
    d. 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:
        i. disposition of the body;
        ii. location of personal effects;
        iii. identification requirements/procedures; and
        iv. notifying officers' names, agency and telephone numbers.
    e. 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, family clergy, crisis counselors or other community social service agency.

f. Notifying officers should conduct a follow-up within 24 hours with any survivor when there is concern for the survivor's well-being.

S. Driving Under the Influence by a Minor

1. 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.
2. Officer conducts Standardized Field Sobriety Tests, including the optional use of a portable breath testing device.
3. 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:
    a. Issue a citation and release the minor to a responsible adult.
    b. If an arrest is made and a specimen of breath (Intoxilyzer Test) or blood is requested, then all standard DWI procedures are followed.
4. Disposition of Evidence
    a. When an officer arrests or issues a citation to a person for public intoxication, or for any other alcohol-related Class C misdemeanor or town ordinance violation, he/she will seize any alcoholic beverage in the possession of the person at the time of the arrest or citation
    b. Alcoholic beverage containers seized in accordance with the preceding paragraph will be disposed of as follows:
        i. 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.
        ii. Destruction of any alcoholic beverage at the scene is done within view of the officer' video device.

T. Criminal Trespass

1. Criminal Trespass is a misdemeanor that requires notice for removal from property or that entry is forbidden, and commission does not constitute a breach of the peace. Therefore, an arrest without a warrant must be for an on-view offense.
2. Enforcement Action
    a. Upon contacting the suspect the officer obtains identification and checks for wanted information. The officer determines if a Criminal Trespass Warning has been issued to the suspect by interviewing the complainant or having Communications check the master name file.

b. If a warning has not been issued, the officer completes a Trespass Warning and gives a copy to the suspect, with instruction, that if the suspect returns they will be arrested.
c. A copy of the warning is forwarded to the Patrol Supervisor. Communication is notified of the CTW. The Communications Division enters the suspect information in the Master Name Index, indicating a warning has been issued.

3. 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.
4. 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.
5. 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.
6. 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.

U. Escorts

1. Personnel refrain from providing non-emergency escorts unless requested by another Law Enforcement Agency, a City, County or State agency. Such escorts are limited to:
   a. Funerals (As outlined in 7.30 Traffic Enforcement, Section IX)
   b. Hazardous materials;
   c. Oversize vehicles
   d. Dignitaries and public officials

2. Medical Escorts:
   a. Officers shall not provide emergency or non-emergency escorts for private vehicles. If a medical emergency exists, then an ambulance should be summoned.
   b. 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 is contacted.

V. Executing Warrants With Other Agencies

1. When outside agencies request patrol assistance to execute search and/or arrest warrants a patrol shift supervisor will be notified.
2. The primary officer will meet with the agency prior to executing the process, to determine the exact needs.
3. The officer ensures the following is followed:
   a. The supervisor will determine how many officers will be needed.

b. All officers wear ballistic vests
c. All officers participating will have an organizational meeting prior to serving the process.
d. Due to various monitoring equipment available the officer will notify the communicator via telephone only the exact location prior to the warrant being served.
e. If circumstances warrant the officer or supervisor may at their discretion withdraw his personnel and equipment.

4. Arrest
   a. Custody of those taken into custody is that of the agency initiating the service of the warrant.

W. Family Disturbances/Family Violence (Bodily Injury)

1. Officers investigate family violence cases and 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.
2. If the victim of family violence does not want to prosecute the suspect, officers still make the arrest. Officers refrain from telling the complainant that charges can be dropped at a later time.
3. If the suspect is not at the scene, officers make diligent efforts to apprehend the suspect, if the suspect s believed to be in proximity to the scene and it is believed the suspect may return and engage in additional family violence.
4. Officers collect and preserve evidence in family violence situations in the same manner that such evidence is collected and preserved in other criminal cases.
5. Officers give all victims or alleged victims of family violence a family violence pamphlet.
6. Officers should consult with the victim to determine if an Emergency Protective Order (EPO) is needed.
7. Required Reporting Documentation
   a. Case Report (if family violence occurred)
   b. Family Violence Report (if family violence occurred)
   c. Assault Victims Statement (if family violence occurred)

X. Fireworks

1. Officers should take action when these violations are observed or brought to their attention. Patrol officer may file charges against adults for shooting, throwing fireworks etc.
2. If the offender is a juvenile, the officer contacts the juvenile's parents or guardian, informs them of the violation, and files the appropriate charges, up to and including, filing a case against the parent or guardian for permitting the juvenile to violate the fireworks ordinance.

Y. Hazardous Materials (TBP: 8.12)

1. In the event of a case involving hazardous materials, the officer contacts the Fire Department immediately and takes the appropriate action to protect life and property. This may include evacuating or limiting access to the scene. The Fire Department personnel undertake the command and control of hazardous material scenes and hold responsibility for all ensuring removal and cleanup measures are undertaken.

Z. Injured Persons

1. 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 town property) only when the presence of the officer will protect life, render first aid, or restore order.
2. In the event a child or elderly person has been injured a case report may be generated if the officer believes negligence was involved.
3. 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.
4. If the person is injured on town property, a case information report is generated.

AA. Junk and Abandoned Vehicles

1. Texas Traffic Laws and a Town Ordinance authorize the Police Department to take into custody an abandoned motor vehicle found on public or private property.
2. Texas Traffic Laws and Town Ordinance 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 court.
3. Procedures for removal of abandoned or junk vehicle-public property
    a. Vehicles found left unattended creating a hazardous traffic situation may require immediate removal if they cannot be pushed out of the roadway.
4. Officers 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:
    a. Place sticker on the rear window either on the lower left or right side - whichever can easily be seen by passing motorists.
    b. Do not place sticker in a position in which it may obstruct the driver's view.
    c. Do not place on any painted surface.
    d. Do not place more than one sticker on any vehicle.
    e. Impound after warning time expires and complete an impound report.

5. Procedures for removal of abandoned or junk vehicles - private property
    a. Although police officers are authorized to perform this task, the Town of Argyle Code Enforcement employees are responsible for removal of vehicles on private property in accordance with applicable laws and town ordinances.
    b. Police officers may assist Code Enforcement employees in enforcement when necessary to preserve the public peace.

BB. *Juvenile Parties and Large Gatherings*

1. Officers responding to calls regarding Juvenile Parties and Gatherings 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.
2. If the violation of law involves a Class C Misdemeanor only 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:
    a. probable cause to believe that a criminal offense classified as a Class B Misdemeanor or higher is in progress, and
    b. urgent circumstances exist where an officer would not have time to secure a search warrant, or
    c. consent from someone with possessory interest in the property, or
    d. a reasonable belief that immediate entry is necessary to protect anyone from physical harm.
3. If it is determined an offense has taken place, officers are to take appropriate enforcement action following established guidelines.
4. If a violation has been determined to involve a minor, the parents or guardian of the minor is contacted and requested to come to the scene to take custody of the violator.
5. Evidence obtained will be photographed and disposed of following established guidelines.

CC. *Liquor Law Violations*

1. 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 alcoholic Beverage Commission.
2. In order that desired administrative action be taken, the arrest report must contain the following additional information if applicable:

a. Observation by the arresting officer of 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).
b. Identity of the licensee or the employee who served the intoxicated person (name, age, physical description, address and employment status).
c. Res Gestae statements made by the licensee, employee or intoxicated person.
d. Answers to questions made by the licensee, employee/ and/or intoxicated person.
e. The TABC license number for the premises.

DD. Major Crime Scenes

1. 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.
2. In transit to crime scenes, officers shall be cognizant of suspects/vehicles that may be in flight.
3. Upon arrival the officer should:
    a. Verify that a crime has been committed and relay essential information to communications.
    b. Administer first aid and/or summon emergency medical assistance if required and take those steps necessary to protect victims or others.
    c. 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.
    d. Provide communications with such information as:
        i. nature of the crime committed;
        ii. description of the perpetrator and mode/direction of flight;
        iii. description of any vehicle used by the offender and any accomplices;
        iv. use of firearms or other deadly weapons; and
        v. any support required at the crime scene.
    e. Identify any witnesses to the crime, secure their identities and request that they remain present at the crime scene until they can be interviewed.
    f. Where reasonably possible, obtain the identities on any other persons who were present upon arrival at the crime scene
    g. 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.
    h. 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.

i. Responding officers shall enter crime scenes only for purposes of aiding victims or bystanders in need of immediate assistance, apprehending perpetrators or securing the area. Other entries shall be permitted only under direction of a supervisor.
j. 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.
k. 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:
    i. request backup assistance to restrict access to the crime scene and control any on-lookers;
    ii. erect barricade tape, rope or cordon off, lock or otherwise secure the immediate crime scene and restrict access to defined crime perimeters; and
    iii. 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.
l. 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.
m. 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.

EE. Missing Persons/Missing Children

1. See Policy 8.3 TBP 7.33)

FF. Parking Violations

1. Officers actively enforce parking ordinances in:
    a. handicapped spaces;
    b. fire lanes; and
    c. no parking zones.
    d. Special attention is given to parking violations in the following circumstances:
    e. High traffic areas;
    f. Peak traffic times; and
    g. high complaint areas

2. Enforcement activity is only undertaken in areas lawfully designated by official means or as stipulated by State law. The Chief of Police or his designate may direct the enforcement activity be discontinued in specific areas for special events or unusual circumstances.

3. 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.

GG. Possession of Alcohol by a Minor

1. If the minor is under the age of ten years:
    a. The child is released to a parent or another responsible adult, and a case / case report completed.
    b. Because of statutory limitations, a citation is not issued to the minor in this case.
2. If the minor is at least age ten years, 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.
    b. The minor may be taken into custody, transported to the Police Facility, processed as a juvenile offender, and detained in a court-approved area inside the facility.
    c. A citation is not issued to the minor.
3. If the minor is at least 14 years, but less than seventeen years and it is determined by the officer that the minor is in possession of an alcoholic beverage, the officer undertakes one of the following actions:
    a. The officer notifies the parent. A citation may be issued and the subject released if not under the influence.
    b. The minor is detained at the scene while the officer notifies the parent, and arrangements are made for the parent or another responsible adult to take custody of the minor. A citation may be issued.
    c. The minor may be taken into custody, transported to the Police Facility, processed as a juvenile offender, and detained in a court-approved area inside the facility. The officer notifies the parent. A citation is issued and the juvenile released to the parent or responsible adult.
4. If the minor is at least 17 years, but less than 21 years:
    a. If it is determined by the officer that the minor is in possession of an alcoholic beverage, and that the subject is not intoxicated, a citation may be issued and the subject released.
    b. If the minor is intoxicated and in public, underage person may be taken into custody, transported to the DCSO and processed as an adult offender.
5. Disposition of Evidence:
    a. When an officer arrests or issues a citation to a person for public intoxication, or for any other alcohol-related Class C misdemeanor or town

ordinance violation, he/she will seize any alcoholic beverage in the possession of the person at the time of the arrest or citation

i. 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.
ii. Destruction of any alcoholic beverage at the scene is done within view of the officer's video device.

HH. Public Intoxication

1. When a person is found to be intoxicated to the point that the person presents a danger to themselves or others, the appropriate enforcement option may be custodial arrest. Nothing contained herein is intended to restrict or inhibit the release of an intoxicated person to a person or appropriate treatment facility that accepts responsibility for the intoxicated person and in accordance with the law.
2. Whenever possible and practical to do so, such field sobriety tests are conducted in conjunction with all intoxication related arrests
3. Disposition of Evidence.
    a. When an officer arrests or issues a citation to a person for public intoxication, or for any other alcohol-related Class C misdemeanor or town ordinance violation, he/she will seize any alcoholic beverage in the possession of the person at the time of the arrest or citation.
    b. Alcoholic beverage containers seized in accordance with the preceding paragraph will be disposed of as follows:
        i. 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.
        ii. If the person arrested or cited is 21 years of age or older, any open container will be poured out and the container properly discarded. Any unopened container will be released with the consent of the person taken into custody, to a third party who is 21 years of age or older or locked in the persons vehicle.
        iii. Destruction of any alcoholic beverage at the scene is done within view of the officer's video device.

II. Protective Orders

1. A Protective Order is issued by a court that finds that family violence has occurred and is likely to occur again.
2. 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.

3. Officers dispatched to an address will be informed by the Communications Center if a Protective Order is in effect at the address at which they are responding to. The Communications Center will also inform the officers of the identity of those listed in the order.
4. If through the officer's investigation, it is determine a violation of a protective order has occurred, the violator shall be arrested.
5. Once the order has been in effect, no party involved, including the victim can allow a violation to take place.
6. Enforce temporary protective orders if it can be verified the defendant was served.

JJ. Robbery Investigations

1. Crime Scene Control
    a. 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 are established for the preservation of the crime scene. Officers remove or cause to be removed any animals or other conditions which may adversely affect the integrity of the scene. Officers request additional assistance as needed.
    b. 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.
2. Supervisor's Response
    a. The responding supervisor assumes direct control of the scene.
    b. The supervisor of the initial responding officer directs any assistance that is required and designates 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.
    c. The supervisor assigns 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.
    d. The supervisor assigns officers to conduct a neighborhood inquiry:
    e. Persons near the scene are interviewed concerning what they may have seen or heard as well is what they know about the victim and his/her associates

KK. Robbery in Progress Calls for Service

1. On all robbery in progress calls a minimum of two (2) officers are dispatched to the scene.
2. Upon Arrival the Following Takes Place:
    a. The officers arrive and an exterior perimeter is established.

b. Officers do not enter the building.
c. When the perimeter is set, the supervisor has the communications center contact the business.
d. The communications center instructs the business representative, to come outside and meet with the officers.
e. Upon speaking with the business representative the dispatcher notifies the supervisor as to the following:
    i. Name of the subject coming out;
    ii. Description, including clothing;
    iii. The identification of the subject is verified by officers;

3. Unless circumstances prevent, in the event the suspects are still inside the business, officers will refrain from making contact with any suspect until they exit.
4. The officer in charge of the scene makes the determination if the radio channel should be closed to all but emergency traffic, or if the call should be switched to an alternate channel.

LL. Sexual Assault Investigations

1. Dispatcher or Call-Taker Response
    a. Due to the trauma of a sexual assault, a victim reaching out for assistance may be in crisis. The victim's behaviors may actually be symptomatic of this condition and can range from hysteria, crying and rage to laughter, calmness, and unresponsiveness. There is no one typical reaction, so it is important to refrain from judging or disregarding any victim.
    b. When a caller reports a sexual assault, communications personnel shall follow standard emergency response to include evaluating and properly prioritizing the call, securing medical assistance, inquiring about a suspect's current location, and obtaining detailed information to identify the suspect. Information about the relationship with the victim, weapon use, and history of violence shall also be obtained.
    c. To ensure critical evidence is not lost, communications personnel shall:
        i. Ask whether the victim has bathed, douched, urinated, or made other physical changes and advise against doing so
        ii. Ask the victim to use a clean jar to collect the urine should the victim have to urinate Let the victim know that other evidence may still be identified and recovered so the crime should still be reported if the victim has bathed or made other physical changes
        iii. Preserve the communications tape and printout for the investigation
        iv. Explain to the caller that these questions will not delay an officer's response to the caller's location

2. Initial Officer Response
    a. As part of the emergency response, officers shall:

i. Make contact with the victim as soon as possible to address safety concerns and summon emergency medical assistance if needed.
ii. Attempt to obtain a suspect description immediately and broadcast to other officers
iii. Evaluate the scene for people, vehicles, or objects involved as well as possible threats
iv. Relay all vital information to responding officers and supervisors, including any possible language barriers
v. Secure the crime scene to ensure that evidence is not lost, changed, or contaminated
vi. Request response from detectives and crime scene technicians as appropriate
vii. Begin a search for the suspect when appropriate

3. Assisting the Victim
    a. As part of the emergency response, officers shall:
        i. Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.
        ii. Inform the victim that an officer of the same sex will be provided if desired and available.
        iii. Contact a victim advocate as soon as possible to provide assistance throughout the reporting and investigative process.
        iv. 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.
    b. 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.
    c. 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.
    d. Record observations of the crime scene, including the demeanor of the suspect and victim and document any injuries or disheveled clothing.

4. Evidence Collection Issues
    a. Officers shall request assistance or direction from crime scene technicians.
    b. 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.
    c. If field officers are required to collect or assist in collecting evidence, proper evidence collection procedures will be used.

d. DNA evidence plays a crucial role in the sexual assault investigation. 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:
    i. Use sterile gloves and change as needed
    ii. Use sterile swabs, papers, solutions, and tools
    iii. Package evidence in individual envelopes
    iv. Avoid touching the area where potential DNA evidence may exist
    v. Avoid talking, sneezing, and coughing over evidence
    vi. Air dry evidence before packaging
    vii. Put evidence into new paper bags or envelopes, not plastic
e. The sexual assault evidence kit shall be accepted from the medical staff after it has been properly sealed and labeled.
f. 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. Investigating officers or supervisors shall have access to the evidence refrigerator after regular business hours, on weekends, and on holidays.
g. 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

1. Motorists who are stranded due to accident or mechanical difficulty are provided reasonable assistance as needed.
2. Should the motorist need a wrecker, the Officer inquires as to which wrecker company is preferred. If the motorist has no preference, a wrecker is requested.
3. The Officer remains at the scene if:
    a. The street or freeway is obstructed.
    b. A traffic hazard exists;
    c. Debris or other hazards are present.
    d. 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.
4. Officers may use whatever emergency equipment is necessary to provide protection. but is not necessarily limited to, the following:
    a. emergency lights;
    b. hazard lights;
    c. flares;
    d. traffic cones; and
    e. temporary barricades

5. Officers arrange for or provide local transportation to stranded motorists. Officers restrict this transportation to the Town of Argyle, or contiguous cities when the situation reasonably allows such, unless otherwise approved by a Supervisor.
6. Officers may allow the motorist to use of their assigned unit's cellular telephone to arrange for assistance.

NN. Suspicious Persons

1. At least two officers respond to all suspicious person calls. Officers use caution when approaching a suspicious person:
    a. If possible approach from behind in a well-lit area.
    b. Stop far enough back to allow time for you to exit your unit.
    c. Never pull alongside the individual.
2. Responding to residences, the officers first make contact with the complainant prior to conducting any search. Communications keeps the caller on line, updating you with information.

OO. Truants

1. Officers taking truants into custody will take them to the school from which they are absent. Truants involved in other specific violations will be processed as set out on Juvenile Custody.
2. If an Argyle ISD Police Officer is available, the AISDPD officer takes custody of the child. In cases where the AISDPD is unavailable the officer transports the truant to the school from which they are absent.

VI. Community Outreach and Services

A. Crime Awareness Notice

Upon discovering an open business door, residential garage door, opened vehicle door or trunk, or any other situation which could result in a crime of opportunity, officers will follow the procedure described below:

a. Officers will continue driving until they have reached a point where they have visually inspected all facing sides of the residence or building and scanned the area for suspicious individuals and vehicles
b. Officers will park in a tactically advantageous position so as to not alert any potential offenders of their arrival

c. Officers will approach the home with caution and remain alert for anything out of the ordinary
d. If the open door is a residential garage door, do not enter the garage. Visually inspect the garage from the outside for clues of possible criminal activity. If the officer determines there is no criminal activity, complete the Crime Awareness Notice, hang it on the front door, and leave the scene without taking any further action.
    i. If the officer believes there is possible criminal activity, request a cover officer and investigate further.
e. If the open door is of a vehicle or vehicle's trunk, officers will inspect the vehicle and close the opened compartment. They will place the notice on the windshield and leave the scene without taking any further action, unless they believe they compartment was opened during criminal activity. If officers suspect criminal activity, they shall investigate further.
f. If the open door is from a business, request a cover and follow standard "open door" procedures.
    i. If officers clear the building, determine there is no criminal activity, and are able to secure the door, secure it. Complete the Crime Awareness Notice, place it on the door, and leave the scene without taking further action.
    ii. If the officer determines there is possible criminal activity, investigate further, and request a keyholder.
    iii. If the officer is unable to secure the door, but determines there is no criminal activity, request a keyholder to come secure the door.
g. Additional situations which could lead to a crime of opportunity include:
    i. Valuables or power tools left outside
    ii. Bicycles left in the driveway or around the home
    iii. Motorcycle or ATV left in the driveway
    iv. Valuable equipment left unsecured on a trailer
    v. Interior dome light of vehicle left on
        1. If the officer determines there is no criminal activity, complete the Crime Awareness Notice, hang it on the front door, and leave the scene without taking any further action.

VII. Equipment Maintenance and Readiness

A. Vehicle Maintenance Procedure

1. Employees assigned a department vehicle assume responsibility to ensure that any malfunctions or mechanical problems with the assigned vehicle are promptly reported to the on-duty sergeant.
2. The dealer performs all warranty maintenance of department vehicles while under warranty.
3. A private vendor may be utilized for out of warranty vehicles.

4. All such maintenance is scheduled through the a Patrol Supervisor.
5. 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:
    a. Discontinue its use; and
    b. Immediately notify a supervisor of such problem with the vehicle; and
    c. Determine the appropriate course of action for the vehicle.
6. All requests for maintenance work on department vehicles are documented on a Vehicle Maintenance Request Form.
7. No employee alters, or authorizes the alteration, of any vehicle, without the approval of the chief of police or his designee.

B. Equipment Maintenance Procedure

1. Maintenance and servicing of all department equipment is scheduled through a Patrol Supervisor.
2. Any employee experiencing a malfunction or failure of any equipment belonging to the Department reports the problem to their immediate supervisor without unnecessary delay.
3. All requests for maintenance work to be done on department equipment will be documented on a Vehicle Maintenance Request form.
4. 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.
5. Personal equipment obtained at the expense of the employee is maintained and repaired at the employee's expense.
6. Maintenance of Inventory:
    a. Officers conduct a pre-shift inspection of their assigned patrol unit, noting any deficiencies on a maintenance form.
    b. Supplies should be replenished immediately when depleted.

C. Equipment Readiness

1. All equipment assigned to the patrol division is kept in a state of readiness. The Patrol Sergeant is responsible for the maintenance and readiness of all equipment assigned to the Police Department

D. Knife Use and Safety

1. 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.

2. 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.
3. 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.
4. 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.
5. 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:
    a. Display a knife in any offensive or threatening manner without legitimate operational justification.
    b. Carry a knife in any manner other than clipped in a pocket or waistband, or inside the pants or vest.
    c. 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.
6. 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.

VIII. Property and Evidence

A. Property/Evidence Packaging

1. All items seized as evidence will be properly booked in as evidence by the seizing Officer and placed into a designated property locker.
2. Evidence will be packaged separately with the following exceptions:
    a. Drug Paraphernalia may be packaged together and listed under one (1) property voucher
    b. Items that are too large to fit into an evidence bag shall have a tag tied with the following information
        i. Offense/Classification

ii. Date of Offense
iii. Seizing Officer

All evidence sealed in evidence bags shall have the case number written on the bag, officer initials and sealing date written on the seal.

3. Guns shall be sealed in gun boxes with the following exception:
    a. Guns that are too large to fit within a gun box. A tag shall be tied to the gun with the information listed above on ***A. Property/Evidence Packaging, Section 2b.***
    b. All guns shall be emptied of all ammunition before sealing in gun box. All ammunition must be packaged separately from the gun and placed in an evidence bag.
4. All marijuana associated with any charge higher than a Class C shall be packaged separately from all other paraphernalia.
5. Pictures shall be taken of all property/evidence and electronically saved in the designated crime scene pictures folder and available for court testimony.

B. Property/Evidence Vouchers

1. A property/evidence voucher shall be created by the seizing Officer for all property/ evidence submitted to the Property/Evidence Custodian for acceptance.
2. Property/evidence vouchers shall be completed and submitted and all items should be secured in a designated property locker by the end of the seizing/submitting Officers shift.
3. All vouchers shall be complete with the following information:
    a. Category
    b. Seized by date, time of seizure and seizing Officer name
    c. Stored by date, time of storage and storing Officer name
    d. Submitted by date, time of submission and submitting Officer name
    e. Locker storage number
    f. Seized location
    g. Classification of property/evidence
    h. Description and notes of items
    i. Status
    j. Seized from information
    k. Owner information, if applicable
    l. Crime lab instructions, if applicable
4. Lab submission forms shall be completed by the designated Property/Evidence Custodian with the following exception:
    a. Toxicological evidence being sent to the lab shall have a lab submission form completed by the submitting Officer

C. Drug Paraphernalia

1. All drug paraphernalia will be placed in the designated property lockers and properly booked in as evidence with the following exceptions:

a. When the seizure and arrest is for an amount of marijuana less than two (2) ounces, or is for paraphernalia only with no other charge above class "C", the following process will be used:
    i. The Officer will check the subject for wanted and, if clear, issue a citation for Possession of Drug Paraphernalia. The Paraphernalia charge will be the first charge on the citation if more than one charge is cited.
    ii. The Paraphernalia and/or drug residue will be seized and placed in a bag for transport to the Police Department
b. Upon arrival at the Police Department, the seizing Officer will log the paraphernalia as "Eligible to be Destroyed". The evidence will be photographed and electronically logged as evidence in the designated crime scene pictures folder and a copy will be available for court testimony.
c. The Property/Evidence Custodian and Property/Evidence Supervisor will witness and perform the destruction under property room protocols for destroying paraphernalia. (HSC 481.153&153)

2. All marijuana associated with any charge higher than a Class C shall be packaged separately from all other paraphernalia.

	ARGYLE POLICE DEPARTMENT
	CRIMINAL JUSTICE INFORMATION SERVICES (CJIS) SECURITY
	Effective Date: 21DEC20
	Approved: _____ **Chief of Police**
	Reference: FBI Criminal Justice Information Services (CJIS) Security Policy, Version 5.8, 06/01/2019

I. PURPOSE

The intent of the following policies is to ensure the protection of the Criminal Justice Information (CJI) and its subset of Criminal History Record Information (CHRI) until such time as the information is purged or destroyed in accordance with applicable record retention rules.

The following policies were developed using the FBI's Criminal Justice Information Services (CJIS) Security Policy. The Argyle Police Department may complement this policy with a local policy; however, the CJIS Security Policy shall always be the minimum standard.

A. The purpose of this directive is to provide Police Department members specific guidelines and procedures relating to who can access criminal justice information (CJI) and how to maintain proper security of CJI data.

B. The directive also identifies the roles and responsibilities of certain people when the security of CJI data or a PC that accesses CJI has been breached.

Persons in violation of this general order are subject to disciplinary action, up to an including loss of access privileges, civil and criminal prosecution and/or termination of employment.

II. SCOPE

The scope of this policy applies to any electronic or physical media containing FBI CJI while being stored, accessed or physically moved from a secure location from the Argyle Police Department. In addition, this policy applies to any authorized person who accesses, stores, and/or transports electronic or physical media.

III. DEFINITIONS

A. **Access to Criminal Justice Information (CJI)** - is the physical or logical (electronic) ability, right or privilege to view, modify or make use of criminal justice information (CJI).

B. **Administration of Criminal Justice** – The detection, apprehension, detention, pre-trial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. It also includes criminal identification activities; the collection, storage, and dissemination of criminal history record information; and criminal justice employment. In addition, *administration of criminal Justice* includes "crime prevention programs" to the extent access to criminal history record information is limited to law enforcement agencies for law enforcement programs (e.g. record checks of individuals who participate in Neighborhood Watch or "safe house" programs) and the result of such checks will not be disseminated outside the law enforcement agency.

C. **Authorized Person** – is a person who has completed security awareness training as prescribed in section VI, has been fingerprinted, and has been subjected to a background check. An authorized person may include Town and Police Department employees, peace officers from other agencies, service technicians, and contractors.

D. **Contractor** – is a private business, agency, or individual which has entered into an agreement for the administration of criminal justice or non-criminal justice functions with a Criminal Justice Agency or a Non-Criminal Justice Agency. Also, a private business approved by the FBI CJIS Division to contract with Non-Criminal Justice Agencies to perform non-criminal justice functions associated with civil fingerprint submission for hiring purposes.

E. **Criminal History Record Information (CHRI)** - is a subset of CJI and for the purposes of this document is considered interchangeable. Due to its comparatively sensitive nature, additional controls are required for the access, use and dissemination of CHRI. In addition to the dissemination restrictions outlined in this policy, Title 28, Part 20, Code of Federal Regulations (CFR), defines CHRI and provides the regulatory guidance for dissemination of CHRI.

F. **Criminal Justice Information** - is the abstract term used to refer to all of the FBI CJIS provided data necessary for law enforcement agencies to perform their mission and enforce the laws, including but not limited to: biometric, identity history, person, organization, property, and case/incident history data. In addition, CJI refers to the FBI CJIS-provided data necessary for civil agencies to perform their mission; including, but not limited to data used tomake hiring decisions.

1. **Biometric Data** - data derived from one or more intrinsic physical or behavioral traits of humans typically for the purpose of uniquely identifying individuals from within a population. Used to identify individuals, to include fingerprints, palm prints, iris scans, and facial recognition data.
2. **Identity History Data** - textual data that corresponds with an Individual's biometric data, providing a history of criminal and/or civil events for the identified individual.
3. **Biographic Data** - information about individuals associated with a unique case, and not necessarily connected to identity data. Biographic data does not provide a history of an individual, only information related to a unique case.
4. **Property Data** - information about vehicles and property associated with crime.

5. **Case/Incident History** - information about the history of criminal incidents.

G. **Criminal Justice Information Services Division (CJIS)** – is the FBI division responsible for the collection, warehousing, and timely dissemination of relevant CJI to the FBI and to qualified law enforcement, criminal justice, civilian, academic, employment, and licensing agencies.

H. **CJIS Systems Agency (CSA)** - is a duly authorized state, federal, international, tribal, or territorial criminal justice agency on the CJIS network providing statewide (or equivalent) service to its criminal justice users with respect to the CJIS data from various systems managed by the FBI CJIS Division. The Texas Department of Public Safety is the CSA for the State of Texas.

I. **DPS Background Check** – for the purpose of this directive, a *DPS background check* is a state run, national fingerprint-based background records check.

J. **Local Agency Security Officer (LASO)** – The primary information security contact between a local law enforcement agency and the Texas Department of Public Safety under which this agency interfaces with the FBI CJIS Division. The LASO actively represents the local agency in all matters pertaining to Information Security, disseminates Information Security alerts and other material to their constituents, maintains Information Security documentation (including system configuration data), assists with Information Security audits of hardware and procedures, and keeps the Texas Department of Public Safety informed as to any Information Security needs and problems. For the purposes of this directive, *LASO* is Sergeant Daniel Rounsavall.

K. **Security Awareness Training** – is the training provided or approved by the Texas Department of Public Safety that satisfies CJIS security training requirements prescribed in section VI.

L. **Terminal Agency Coordinator (TAC)** – serves as the point-of-contact at the local agency for matters relating to CJIS Information access. A TAC administers CJIS systems programs within the local agency and oversees the agency's compliance with CJIS systems policies. For the purposes of this directive, the TAC is Sergeant Daniel Rounsavall.

IV. Proper Access, Use, and Dissemination of CHRI

Information obtained from the Interstate Identification Index (III) is considered CHRI. Rules governing the access, use, and dissemination of CHRI are found in Title 28, Part 20, CFR.

A. The III shall be accessed only for an authorized purpose.

B. CHRI shall only be used for an authorized purpose consistent with the purpose for which III was

accessed.

C. Dissemination to another agency is authorized if:

1. The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or
2. The other agency is performing noncriminal justice administrative functions on behalf of the authorized recipient and the outsourcing of said functions has been approved by appropriate CJIS Systems Agency (CSA) or State Identification Bureau (SIB) officials with applicable agreements in place.

V. Personnel Security Screening

A. Access to CJI and/or CHRI is restricted to authorized personnel.

B. Personnel with access to CHRI for the purposes of licensing or employment shall submit to a civil fingerprint-based record check within 30 days of employment or assignment if they:
1. have direct access to CJI,
2. have direct responsibility to configure and maintain computer systems and networks with direct access to CJI, or
3. have access to physically secure locations or controlled areas containing CJI.

VI. Security Awareness Training (CJIS 5.2.1)

A. Basic security awareness training shall be required within six months of initial assignment, and biennially thereafter, for all personnel who have access to CJI.

B. The TAC and/or his/her designee shall be responsible for making sure that all authorized personnel receive the required security awareness training.

VII. Physical Security

A. A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems (CJIS 5.9.1).

B. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled and secured in a manner acceptable to the CSA or SIB (CJIS 5.9.1.1).

C. Only authorized personnel will have access to physically secure non-public locations. The Argyle Police Department will maintain and keep current a list of authorized personnel (CJIS 5.9.1.2).

D. All physical access points into the agency's secure areas will be authorized before granting access.

1. Access to physically secure areas including police vehicles, is controlled by key or electronic lock released by key fob and/or key card.
2. Visitors shall be authorized persons or shall be escorted by an authorized person in accordance with this policy.

E. The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI.

1. Police department employees shall control physical access to information system devices (computers) that display CJI and shall position Information system devices in such a way as to prevent unauthorized individuals from accessing and viewing CJI.

2. Preventing unauthorized access or viewing can be accomplished by:

   a. Blanking the display;
   b. Closing the display (on notebook computers)'
   c. Placing a privacy screen on the display;
   d. Enabling a password protected screensaver function that starts within five (5) minutes of inactivity.

F. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

VIII. Media Protection

A. Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

B. The agency shall securely store electronic and physical media within physically secure locations or controlled areas. The agency shall restrict access to electronic and physical media to authorized individuals. If physical and personnel restrictions are not feasible then the data shall be encrypted (CJIS 5.10.1.2).

C. No media that will store CJI data or any PC that will access CJI data will be used by the Police Department until the Information Technology Department has verified that the media is free of any virus, Trojan horse, worm, and other harmful matter.

IX. Media Transport

A. Any time a PC that has media that contains CJI data must leave the Police Department facility for repairs, the media containing the data must first be sanitized or removed from the PC.

B. No electronic and/or physical media shall be transported outside of controlled areas unless:

1. the media remains in the custody and control of an authorized person; or
2. the media has been sanitized prior to transport.

X. Media Sanitization and Disposal

A. When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI shall be properly disposed of in accordance with measures established by Argyle Police Department.

B. Physical media (printouts and other physical media) shall be disposed of by one of the following methods:

1. shredding using Argyle Police Department issued shredders.
2. incineration using Argyle Police Department incinerators or witnessed by Argyle Police Department personnel onsite at agency or at contractor incineration site, if conducted by non-authorized personnel.

C. Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier hard drives, etc.) shall be disposed of by one of the Argyle Police Department methods:

1. **Overwriting (at least 3 times)** - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.
2. **Degaussing** - a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.
3. **Destruction** – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

D. IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from Argyle Police Department's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

XI. Account Management

A. The Argyle Police Department shall manage information system accounts, including establishing, activating, modifying, reviewing, disabling, and removing accounts. The TAC shall validate information system accounts at least annually and shall document the validation process.

B. All accounts shall be reviewed at least annually by the designated CJIS point of contact (POC) or his/her designee to ensure that access and account privileges commensurate with job functions, need-to-know, and employment status on systems that contain Criminal Justice Information. The POC may also conduct periodic reviews.

XII. Remote Access

A. The Argyle Police Department shall authorize, monitor, and control all methods of remote access to the information systems that can access, process, transmit, and/or store FBI CJI. Remote access is any temporary access to an agency's information system by a user (or an information system) communicating temporarily through an external, non-agency-controlled network (e.g., the Internet).

B. The Argyle Police Department shall employ automated mechanisms to facilitate the monitoring and control of remote access methods. The Argyle Police Department shall control all remote accesses through managed access control points. The Argyle Police Department may permit remote access for privileged functions only for compelling operational needs but shall document the rationale for such access in the security plan for the information system.

C. Utilizing publicly accessible computers to access, process, store or transmit CJI is strictly prohibited. Publicly accessible computers include, but are not limited to,: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

XIII. Personally Owned Information Systems

A personally owned information system shall not be authorized to access, process, store or transmit CJI. A personal device includes any portable technology like camera, USB flash drives, USB thumb drives, DVDs, CDs, air cards and mobile wireless devices such as Androids, Blackberry OS, Apple iOS, Windows Mobile, Symbian, tablets, laptops or any personal desktop computer. When bring your own devices (BYOD) are authorized, they shall be controlled using the requirements in Section 5.13 of the CJIS Security Policy.

XIV. Reporting Information Security Events

A. Incident Definition. For the purposes of this section, *incident* means: an accidental or malicious computer attack (i.e., virus, Trojan horse, worm, etc.) against the agency's computers that access CJI; or someone obtaining another user's secure login and password to an application that can access CJI.

B. The Argyle Police Department shall promptly report incident information to appropriate authorities to include the state CSA or SIB's Information Security Officer (ISO). The LASO and

TAC serve as the Police Department's point of contact. The LASO and TAC for the Argyle Police Department is Sergeant Daniel Rounsavall, who can be contacted via email at drounsavall@argyletx.com or via telephone at (903)348-2788. The Town's Information Technology Contractor is The Fulcrum Group, who can be contacted via email at helpdesk@fulcrumgroup.net or via telephone at (817)898-1277.

C. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Formal event reporting and escalation procedures shall be in place. All employees, contractors and third party users shall be made aware of the procedures for reporting the different types of event and weakness that might have an impact on the security of agency assets and are required to report any information security events and weaknesses as quickly as possible to the designated point of contact (CJIS 5.3.1).

D. Attack on Computer

1. An employee who encounters an incident involving an attack on a computer that contains an application that has access to CJI data shall immediately:

    a. Power off the computer or unplug its power cord if the computer will not power down. Under no circumstances should any individual continue to use an infected computer;
    b. If the computer is connected to the network by an ethernet cable, disconnect the cable from the computer;
    c. If the computer is a Mobile Data Terminal in a police vehicle, power it down and discontinue use of this vehicle;
    d. If the computer is a PC, place a note on the PC that the PC is not to be used;
    e. Notify the LASO without unnecessary delay via phone or e-mail;
    f. Complete the TLETS Security Incident Response Form, which is included in Appendix A at the end of this General Order;
    g. Prepare and submit to the LASO a work order for the affected computer.

2. The Town's Information Technology contractor shall inspect the computer to determine whether it has been compromised.

3. If the computer has been compromised:

    a. the LASO shall notify Texas DPS;
    b. the computer must be removed from the network;
    c. its hard drive must be cleaned or completely wiped by the Town's Information Technology Department before it can be placed back in service.

E. If an employee's secure login and/or password to an application that can access CJI data has been compromised, the employee shall immediately change his/her password, if possible, and notify the agency TAC.

XV. Policy Violation/Misuse Notification

A. Violation of any of the requirements contained in the CJIS Security Policy or Title 28, Part 20, CFR, by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination.

B. Any violation of the requirements contained in the CJIS Security Policy or Title 28, Part 20, CFR, by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

RESOLUTION
DESIGNATING A JUVENILE PROCESSING OFFICE FOR ARGYLE POLICE DEPARTMENT
(Effective July 15, 2010)

WHEREAS, Family Code 52.025 allows the Denton County Juvenile Board to designate juvenile processing offices for statutory purposes; and,

WHEREAS, the Argyle Police Department has made application for a juvenile processing office and that application has been reviewed and approved by the Denton County Juvenile Board; and,

WHEREAS, the Argyle Police Department, (the agency) has met the requirements for a juvenile processing office;

THEREFORE BE IT RESOLVED that the Patrol Room No. 115 and the Interview Room No. 106 as described by the agency and shown by the drawing, attached hereto and incorporated into this Resolution as Appendix A, be and hereby is, **designated as a juvenile processing office** for all purposes allowed by law and by the Denton County Juvenile Board and under the conditions allowed by law and the conditions directed by the Denton County Juvenile Board in a building with the street address of:

Argyle Police Department
506 N. Hwy. 377
P. O. Box 609
Argyle, TX 76226

and contact information (including any subsequently assigned or changed numbers)

Telephone 940-464-7254
FAX 940-464-7274
William Tackett
ladams@argyletx.com (Louie Adams)

A change in the contact information will not invalidate the designation of the room as a juvenile processing office.

AND FURTHER, BE IT RESOLVED that any prior order designating a juvenile processing office for this agency is effective until the receipt of this resolution by the above named agency.

The foregoing Resolution was lawfully moved by Judge Jake Collier, duly seconded by Judge Jim Crouch and duly adopted by the Juvenile Board of Denton County on a vote of 9 for the motion and -0- opposed, and -0- abstaining.

Witness Signature

Judge Darlene A. Whitten
Chair of the Juvenile Board

6/29/10
Date Witnessed

June 29, 2010
Date Signed

COPY

APPLICATION FOR DESIGNATION OF JUVENILE PROCESSING OFFICE

Please attach a drawing of the room you would like to use as your juvenile processing office and include the surrounding areas marking water fountain and restrooms.

Please print or type the following information.

1. Agency Information

Agency Name: ARGYLE POLICE DEPARTMENT
Address: 506 N. Hwy 377
Telephone No. (940) 464-7254 Fax No. (940) 464-7274
Email Address: LADAMS@ARGYLETX.COM

2. Select or describe the activities you anticipate will occur in the juvenile processing office:

a. Those activities allowed by Family Code § 52.025(b) including:

(1) the return of the child to the custody of a person under § 52.02(a)(1); i.e. a parent, guardian, custodian or other responsible adult upon that person's promise to bring the child before the juvenile court as requested by the court; **(Yes)** **No**

(2) the completion of essential forms and records required by the juvenile court or this title; i.e. Title 3 of the Family Code; **(Yes)** **No**

(3) the photographing and fingerprinting of the child if otherwise authorized at the time of temporary detention by this title; (See Family Code § 58.002) **(Yes)** **No**

(4) the issuance of warnings to the child as required or permitted by this title; (See Family Code § 52.001) in order to comply with legislative requisites for using warning notices) or **(Yes)** **No**

(5) the receipt of a statement by a child under Family Code § 51.095(a)(1), (2), (3), or (5). **(Yes)** **No**

b. Family Code § 52.031 allows law enforcement agencies to use a first offender program. If you use the juvenile processing office for this purpose you must comply with the requirements of the first offender program. **(Yes)** **No**

c. Family Code § 52.028 allows a peace officer to take a person under age 17 into custody for violation of a curfew law and to take the person to a juvenile *curfew* processing office. If you need the juvenile processing office for this purpose, please comply with Family Code § 52.028 (b). **Yes** (**No**)

d. Transportation Code § 729.003 (c) states that a person under the age of 17 years who commits an offense under Chapter 729, Operation of Motor Vehicle by Minor, may be detained in an office that complies with Family Code § 51.12. Article 45.058 of the Code of Criminal Procedure requires that this detention be in a non-secure place. If you want to use your juvenile processing office for this purpose, the juvenile processing office could not be locked while the child is inside for this purpose and someone from your agency would need to maintain continuous visual observation of the child. The head of your agency would also have to designate the juvenile processing office as a place of non-secure detention for this purpose.

Yes No

e. Please describe the other activities you would like to use a juvenile process office for and cite any legal authority for the use. _____

_____

_____

_____

_____

Yes No

5-7-10 Louie Adams

Date Printed Name