

Tom Bean Police Department

Administrative Directive

Number: 103.001	Effective Date: ??/??/????
Subject: Communications	Revision Date:
Affected Personnel: All Personnel	Amends/Supersedes:
Reference: N/A	

I. Policy

The Communications Division of the Grayson County Sheriff's Office works in conjunction with the officers of this Department to provide to the citizens of Tom Bean timely and efficient response to all calls for service and at the same time provide for the safety of the officers. This Directive establishes procedures for radio communications between police officers and the Communications Center, and to identify situations requiring radio contact.

II. Communications Operations

- A. The Communications Center is operational 24 hours a day, seven days a week, providing toll-free telephone access for emergency calls for service.
- B. The Communications Center utilizes 911 as a single emergency telephone number.
- C. The Communications Center is responsible for, but not limited to:
 - 1. Conducting radio operations in accordance with Federal Communications Commission procedures and requirements;
 - 2. Receiving, screening and prioritizing calls for service and subsequently dispatch the appropriate response in an efficient and coordinated manner;
 - 3. Maintaining a fully operational 24 hours a day two-way radio system providing continuous communication between the Communications Center and the officers on duty or on call;
 - 4. Answering all emergency police and fire telephones, 911 lines, and dispatching uniform services when necessary;
 - 5. Entering and retrieving information from state and national Teletype communications systems; and
 - 6. Documentation and entry of information into in-house data systems.

- D. When receiving information, the Communications Center typically will record the following minimum information:
1. An associated call number;
 2. Date and time police service was requested;
 3. Name and address of complainant, if possible;
 4. Type of incident reported;
 5. Location of incident reported;
 6. Identification of officers assigned as primary and backup;
 7. Time of dispatch;
 8. Time of arrival;
 9. Time of return to service.
- E. All calls for service received by the Communications Center are assigned a unique, individual incident number.
- F. Communications operators obtain as much information as possible on a call for service. The amount of information will depend on the nature of the call and the status of the reporting/requesting party.
1. Initially, a sufficient number of officers, as deemed necessary by the communications operator will be dispatched to any situation where there is a threat of bodily harm to officers or the public. Officers initiating their own calls shall use their discretion for a back-up unit.
 - a) For all routine, non-violent calls that are not in progress, one officer shall be sufficient, unless otherwise requested by the responding officer.
 2. Two or more officers should be requested and / or dispatched to calls when there is:
 - a) A potential for assault or resistance;
 - b) A violent misdemeanor or felony warrant arrest; or
 - c) A crime in progress.

3. Once on the scene, an officer may call for as many additional officers as he feels necessary to handle the situation or he may cancel the back-up response should he determine after careful appraisal of the situation that additional assistance is not required.
4. When back up is requested or required, the communications operator will assign a unit. Another officer may acknowledge a closer location, at which time the communications operator may cancel the first back-up unit.

III. Supervisory Response

- A. The Patrol Sergeant is required to respond to the scene of all major incidents where his / her authority will be needed to control the scene. In addition, the Patrol Sergeant is required to respond to the scene of the following incidents or attempts of the following incidents:
 1. Murder;
 2. Suicide;
 3. Robbery;
 4. Sexual Assault;
 5. All officer involved shootings;
 6. Fatality accident;
 7. Violent domestic disturbance;
 8. Bomb threat;
 9. Hostage situation, until properly relieved by the Chief of Police or hostage negotiator;
 10. Officer requesting the presence of a supervisor; or,
 11. Any incident in which the supervisor feels his presence will be required.

IV. Radio Transmissions

- A. At least one primary dispatch channel will be responsible for dispatching all calls 24 hours, 7 days a week. Officers will be responsible for monitoring this channel at all times.
- B. Channels are also available so that officers can communicate with contiguous law enforcement agencies and / or other agencies having concurrent jurisdiction.
- C. Officers shall strive to keep all messages transmitted over the Department's radio/mobile computer terminals systems as professional, concise, and complete

as possible. At no time will members of the department misuse or disrupt the radio system by transmitting unauthorized or personal messages.

- D. Mobile Computer Terminals (MDT) should be used for requesting additional information from TCIC/NCIC rather than requesting this information from the communications operator.
 - 1. Officers shall provide the communications operator with specific information concerning any 'hit' received from MDT transmissions.
- E. NCIC policy states that the radio will not be used routinely for the transmission of criminal history beyond that information necessary to effect an immediate identification or to ensure adequate safety for the officers and the general public.
 - 1. It is the officer's responsibility to request criminal history information over the air only when they have determined that there is an immediate need for the information to further an investigation or there is a situation affecting the safety of an officer or the general public.
 - 2. Information retrieved from state and national computer files is intended for official police use only and the disseminating of this information to non-criminal justice individuals is strictly prohibited and could subject the offender to criminal penalties.

V. Patrol Responsibilities

- A. Operations are more efficient and officer safety is enhanced when the communications operator, supervisors, and other officers know the status of an officer, their location, the nature of the incident, and developments in their investigation.
 - 1. Officers of this Department shall be responsible for maintaining contact with the communications operator at all times during their tour of duty. Officers assigned to Patrol are required to carry a portable radio with them at all times while away from their vehicle, unless unusual circumstances exist or with approval of a supervisor.
 - 2. Officers shall identify themselves by badge numbers during radio communications.
 - 3. Patrol officers shall advise the communications operator, using their badge number as identification, of their status in the following situations:
 - a) When going in-service;
 - b) When going off-duty;
 - c) Upon arrival at calls for service;
 - d) Upon clearing from calls for service;

- e) When checking in and out from breaks;
 - f) When engaging in any activity affecting availability to handle calls for service;
 - g) When making arrests; and
 - h) When transporting prisoners or other persons.
4. When stopping vehicles, officers of this Department shall provide the communications operator with the following information:
- a) Tag number and state;
 - b) Vehicle color;
 - c) Location of the stop; and
 - d) Other appropriate information.
5. When contacting suspects and suspicious persons (other than dispatched complaints), officers shall provide the communications operator with the following information:
- a) Location;
 - b) Description of person(s); and
 - c) Reason for contact (if known).

VI. Tactical Dispatching Plan

- A. Anytime personnel are checked out on a real and/or potential high danger incident, the communications operator may **immediately** close the channel to all non-emergency radio traffic until such time as the original high danger incident terminates or the immediate incident hazard is reduced to permit the channel to be re-opened. (Examples include, but are not limited to: armed robbery in progress, barricaded suspect with hostages, etc.) When the high danger incident terminates, or the incident hazard is reduced to a lower status, the communications operator then **immediately** returns the radio channel to normal operations. In high danger incidents, the officer may request the communications operator to close the radio to all non-emergency radio traffic. The officer shall advise the communications operator as soon as an incident hazard is reduced to permit the channel to be re-opened. The communications operator has the authority over and is responsible for all channel closing and opening.

Tom Bean Police Department

Administrative Directive

Number: 103.003	Effective Date: ??/??/????
Subject: Firearms	Revision Date:
Affected Personnel: All Sworn Personnel	Amends/Supersedes:
Reference:	

I. Policy

It is the policy of this Department to regulate the carrying and handling of firearms by Department personnel. This Directive establishes standardized guidelines for the carrying, handling, training, and testing of the proficiency of armed personnel.

II. Firearms Instructor

A. The Chief of Police shall designate a Firearms Instructor for the Department. The Firearms Instructor shall meet the minimum guidelines established by the Texas Commission on Law Enforcement Officer Standards and Education.

III. Firearms Approval and Inspection

A. The Firearms Instructor shall approve duty, off-duty, and secondary firearms based on established Departmental criteria approved by the Chief of Police.

B. Prior to proficiency qualifications, the Firearms Instructor is responsible for completing a function check and inspection of Departmental, off-duty, and secondary firearms to ensure they are safe and in good working order. The function check and inspection shall include:

1. Manual operation of the slide or action;
2. Operation of the trigger assembly;
3. Operation of safety if present; and
4. Visual inspection of the overall condition of weapon.

C. Weapons found to be unsafe shall be removed from service until they can be repaired. The Firearms Instructor shall verify the completion of the repairs before the firearm is returned to service. The Firearms Instructor shall maintain a record of repairs for duty, off-duty, and secondary firearms.

D. Officers who wish to carry a duty, off-duty, or secondary firearm that has not been approved or inspected shall notify the Firearms Instructor via e-mail. The Firearms Instructor shall schedule a time for approval, inspection, and demonstration of proficiency. The officer shall not carry any firearm as a duty, off-duty, or secondary firearm until all of the Departmental criteria have been met.

IV. Firearms Records

- A. The Firearms Instructor shall maintain a record of all firearms approved by the Department for official use. The records will include:
 - 1. Description of the firearm;
 - 2. Owner or assignee;
 - 3. Person approving the firearm and date of approval; and
 - 4. Documentation of qualification.

V. Authorized Firearms

- A. For a list of firearms authorized by the Department, refer to the Weapons and Ammunition Specifications.

VI. Authorized Ammunition

- A. For a list of ammunition authorized by the Department, refer to the Weapons and Ammunition Specifications.

VII. Carrying of Firearms On-Duty

- A. Uniformed officers, when on-duty, shall carry an approved firearm in an approved holster when in public places within the jurisdiction of this Department.
- B. Officers who are on-duty in plain clothes shall wear their firearms in a holster approved by the Chief of Police, in a manner that will not attract attention.
 - 1. Officers in plain clothes wearing their firearms exposed to the public view shall display their Department badge near the firearm in a manner that is clearly visible to the public unless special circumstances exist.

VIII. Off-Duty Firearms Guidelines

- A. Officers may carry an approved firearm off-duty, but will exercise discretion as to when and where it is worn.
 - 1. Any display or use of an off-duty firearm will be governed by the same regulations that apply to on-duty officers.
 - 2. Off-duty firearms carried while off duty and not in uniform must be kept concealed.
 - 3. This Directive should not be construed to restrict the legitimate possession and use of sporting or recreational firearms.

IX. Secondary Firearms Guidelines

- A. Officers may carry one approved firearm in conjunction with, and as a backup to, the officer's primary Department approved sidearm.
- B. The secondary firearm is to be viewed only as a weapon of last resort and the use of a secondary firearm will be limited to those instances where an officer's use of deadly force is authorized under the Department's Directive and the officer's primary firearm has been:
 - 1. Lost, stolen, or rendered inoperable during the course of the specific incident authorizing the use of deadly force; or
 - 2. Exhausted of ammunition under circumstances that clearly limit the officer's ability to immediately reload.
- C. Officers electing to carry a secondary firearm will carry the firearm on their person in a concealed manner.
- D. The approved secondary firearm may be carried in the prescribed manner whenever the officer is off-duty or working in an off-duty capacity and is armed with a Departmental approved firearm.

X. Shotguns

- A. The officer to whom the shotgun is assigned is responsible for the weapon.
- B. During routine carry in police vehicles, the shotgun will be carried with the magazine loaded and the chamber empty.
- C. During routine carry in police vehicles, the shotgun will be carried in the rifle/shotgun rack.
- D. Only specified ammunition, provided by the Department, will be approved for duty use and is the only ammunition approved for general carry. Refer to the Weapons and Ammunition Specifications.
- E. The approved shotgun will be supplied by the Department as well as attendant gear such as carrying cases and ammunition.
- F. The shotgun will be maintained and cleaned by the officer and is subject to inspection by supervisory personnel.
- G. No modifications shall be performed on the shotgun.

XI. Rifles

- A. Police officers have routinely carried handguns with many, though not all, agencies authorizing the carrying of specified shotguns for exceptionally dangerous circumstances, but both the handgun and the shotgun have limitations. This Department will allow sworn personnel to carry an approved rifle in their vehicles to offer greater protection to both the public and themselves in extraordinary circumstances.
 - 1. The Department will allow officers to carry their own approved rifle in lieu of one issued by the Department.
 - 2. Policies and procedures that apply to Department rifles will also apply to personal rifles when carried for duty use.
- B. During routine carry in police vehicles, approved rifles shall be carried with only the magazines loaded and the chamber empty.
- C. During routine carry in police vehicles, the approved rifle will be carried in the rifle/shotgun rack or in a case.
- D. At least one extra magazine will routinely be carried with the approved rifle.
- E. Only specified ammunition, provided by the Department, will be approved for duty use and is the only ammunition approved for general carry. Officers should maintain 60 rounds of ammunition for the rifle. Refer to the Weapons and Ammunition Specifications.
 - 1. This does not apply to rifles used by tactical officers on tactical operations.
- F. Department rifles will be issued along with attendant gear such as carrying case and an extra magazine.
- G. The rifle will be maintained and cleaned by the officer and is subject to inspection by supervisory personnel.
- H. Accessories
 - 1. All accessories must be approved by the Firearms instructor and the Chief of Police in accordance with this Directive.
 - 2. Optic Recommendations
 - a) A non-magnifying optic should be positioned to allow the co-witnessing of both the iron sights and the optic or to be used independently of the other without removal of the sights.
 - b) A magnifying optic should be equipped with a quick removal mount to allow quick removal of the optic to engage targets with iron sights.

XII. Use of Shotguns and Rifles

- A. Approved shotguns and rifles may be used in unusually dangerous circumstances in which the likelihood of serious injury or death is anticipated to be immediate or probable. No Directive can specifically detail only the situations under which the shotgun or rifle could be used, but examples could include: manhunts for dangerous felons, initial responders to a hostage situation, an armed, deranged individual, dedicated sniper, armed robbery in progress, etc.
- B. When the circumstances or event for which officers deployed with approved shotguns or rifles is over, they will be stored per this Directive.
- C. Nothing in this Directive should be construed to change the parameters for tactical unit call-outs.
 - 1. The carrying of approved shotguns or rifles offers the officer a more immediate response against unexpected, extraordinary dangerous situations that he or she might find himself or herself in.
 - 2. Deployment with approved shotguns or rifles may allow the officers to be more appropriately armed while waiting for tactical response.
- D. Approved shotguns or rifles will not be used or displayed on "routine" calls.
- E. Violation of this Directive may result in either disciplinary action and/or denial to the offending officer's request to carry a shotgun or rifle.

XIII. Training and Proficiency Qualifications

- A. The Firearms Instructor must monitor all proficiency training.
- B. Prior to being authorized to carry a firearm, each officer will receive training regarding the Department's use of force and weapons policies.
- C. All officers authorized to carry firearms will be issued a current copy of the Tom Bean Police Department's Use of Force Directive as contained in the Department Directives.
- D. Annually, each sworn member of the Tom Bean Police Department will be required to receive in-service training on the Police Department's use of force policy and demonstrate proficiency with any approved firearm the sworn member is authorized to use.
- E. Officers shall be responsible for providing the ammunition for qualification with off-duty and secondary firearms.
- F. Scoring will be in compliance with TCOLE minimum firearms qualification standards.
- G. Only officers demonstrating proficiency with an approved firearm on an annual basis shall be authorized to use such firearms.

- H. The Firearms Instructor will document the officer's training and proficiency record to reflect the officer's attendance of in-service training classes and document the officer's proficiency in the use of Department authorized firearms.

XIV. Exceptions

- A. Only the Chief of Police shall approve any exceptions to the requirements in regards to the types of authorized firearms or ammunition.
- B. The Chief of Police has the authority to approve or disapprove any firearm or ammunition.
- C. An officer wishing to make a modification to a Department issued firearm shall submit the request to the Firearms Instructor in memo form. The Chief of Police must then approve the modification. The Firearms Instructor shall maintain a list of approved modifications.

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Tom Bean Police Department

Administrative Directive

Number: 103.006	Effective Date: ??/??/??
Subject: Warrantless Searches and Seizures	Revision Date: N/A
Affected Personnel: Sworn Personnel	Amends/Supersedes: N/A
Reference:	

I. Policy

It is the policy of this Department to provide general guidelines and procedures for agency law enforcement personnel to follow in conducting searches that have not been reviewed and approved by judicial personnel.

II. Warrantless searches and seizures

- A. Consent searches may be conducted of a person's vehicle, property or person when the person freely and voluntarily consents to such a search. A search may not exceed the terms of the consent, and consent may be withdrawn at any time. Whenever possible, officers will obtain a signed Consent to Search form. If consent to search is given and no such form is signed, the officer must establish articulable facts that consent was freely and voluntarily given.
- B. Officers may stop and frisk an individual whenever the officer has a reasonable suspicion that the subject is committing, has committed, or is about to commit a crime and the officer has real and articulable reasons to fear for the officer's safety. Such a search may not be anymore intrusive than necessary, and the scope of the search will be limited to a search for weapons. However, any contraband discovered in such searches is subject to seizure and may be admissible as evidence.
- C. A vehicle, which has been lawfully stopped by an officer, may be searched under the movable vehicle exception to the search warrant requirement if there is probable cause to believe that the vehicle contains contraband or evidence of a crime.
- D. Searches at the scene of a crime may be conducted to secure the scene and search for evidence if the victim is the owner or possessor of the property to be searched. In cases where the suspect owns the property, either consent to search or a search warrant must be obtained, unless other exceptions to a warrantless search apply.
- E. When exigent circumstances exist, and there is a compelling need for official action, and there is not time to secure a warrant, an officer may make emergency searches of persons or premises without a search warrant. The deciding factor in each case should be the totality of the circumstances.

- F. For an inventory of a vehicle or other property to be legal, the police custody must be legal. The inventory may be conducted to protect the owner's property and to protect the police against false claims or dangers. The inventory must be in accordance with the policy of the Tom Bean Police Department and thus cannot be used as a pretext for a search.
- G. Warrantless searches may be conducted
1. Incident to a lawful arrest;
 2. Of abandoned vehicles; and
 3. In public places where no one has a reasonable expectation of privacy.

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Tom Bean Police Department

Administrative Directive

Number: 103.007	Effective Date: XX/XX/XXXX
Subject: Prisoner Searches	Revision Date:
Affected Personnel: All Sworn Personnel	Amends/Supersedes:
Reference:	

I. Policy

All persons taken into custody shall be searched as thoroughly as is judged appropriate by the arresting officer for his or her protection and to prevent the loss or destruction of evidence. All searches shall be conducted in a professional and courteous manner.

II. Searching Prisoners of the Opposite Sex

- A. Whenever an officer of the same sex as the prisoner is present at the time of the arrest, he or she will conduct the search of the prisoner prior to transporting. If an officer of the same sex as the prisoner is not present, then the search shall be conducted as thoroughly as is judged appropriate by the arresting officer.
- B. Depending on the circumstances and the necessity for the thoroughness of the search, officers having to search persons of the opposite sex shall consider the following options:
 - 1. Use of an on-duty officer of the same sex of the prisoner; or
 - 2. Calling in an off-duty officer of the same sex of the prisoner.
 - 3. Verify the video system is operating in your patrol unit. Move the prisoner into view of the video system and conduct the search.
- C. Under no circumstances shall a non-sworn employee other than jail personnel be used to search a prisoner. If necessary, a non-sworn employee of the same sex as the prisoner can be present to witness the search.

III. Strip Searches

- A. Judicial decisions specifically allow for searches of arrested persons. It is sometimes necessary for officers to initiate a very thorough body search of a person arrested. The need for such a search is determined on an individual basis depending on the circumstances surrounding the crime, the prior record of the prisoner, and the probable cause as interpreted by the arresting officer and a supervisor.

- B. A strip search is not permissible prior to arraignment where the subject has been arrested for traffic or a petty offense except where there is a reasonable belief the subject is carrying a concealed weapon or controlled substance, or the subject is a parolee or offender currently serving a sentence in any correctional facility, or the subject is under arrest for driving under the influence of drugs.
- C. Officers shall not conduct warrantless strip searches without the approval of a supervisor.
- D. An evidentiary or search warrant may require a strip search under certain circumstances. Officers shall consult with a supervisor prior to conducting a strip search based on a warrant.
- E. The following procedures shall be followed for all strip searches.
 - 1. A strip search necessitates the removal of all clothing from an arrestee, so a visual inspection can be made of all areas of the prisoner's body where evidence or contraband could be concealed.
 - 2. A sworn officer or jailer of the same sex as the prisoner shall conduct the strip search of a prisoner.
 - 3. If possible, two officers of the same sex as the prisoner are to be present at such a search. In the absence of a second officer a non-sworn employee of the same sex of the prisoner will be present as a witness to the search.
 - 4. A strip search is conducted in a secure and private area. Care will be taken to insure such a search is not open, even partially, to the view of any persons other than those conducting the search.
 - 5. Every effort will be made to minimize the discomfort and embarrassment of a prisoner during a strip search. However, officers will have as their primary concern the efficient, effective and safe completion of the search.
 - 6. The officer conducting the strip search and the approving supervisor shall complete a report documenting the reasons for the strip search and the results.

IV. Body Cavity Searches

- A. The physical intrusion into body cavities of subjects being searched is not permitted.
- B. If foreign items are visible inside body cavities (rectum, penis or vagina), or if there is probable cause to believe that such items exist therein, the officer must

contact a supervisor for approval to obtain either a signed voluntary consent to search or a warrant authorizing the body cavity search.

- C. After consent or a warrant is obtained, the prisoner will be secured and transported to a hospital where a physician will be requested to remove the known or suspected items. Hospital procedures will dictate the provisions for privacy and search by gender.
- D. Officers should be aware that the physician does not have to respond to the request to perform the search. X-ray of the individual may be considered an option.
- E. The officer and the approving supervisor shall complete a report documenting the reasons for the search and the results.

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Tom Bean Police Department

Administrative Directive

Number: 103.008	Effective Date: ??/??/????
Subject: Warrant and Warrantless Arrests	Revision Date:
Affected Personnel: All Sworn Personnel	Amends/Supersedes:
Reference:	

I. Policy

The following Directive cannot address every situation which an officer might encounter. However, in exercising arrest authority, officers should be guided by what is contained in this Directive. Nothing in this Directive should be interpreted as authorizing or restricting an officer's arrest authority.

II. Approval of Non-Warrant Custody Arrests

A. Officers will have their supervisor review their arrests.

1. Officers shall complete all necessary paperwork pertaining to their arrests.
2. If the officer has a question or concern regarding a specific charge or the arrest itself, the officer is required to contact a supervisor to assist with determining the appropriate charge or release the arrested person.
3. In cases of dispute over an arrest or charge filed, the supervisor will make the final decision.
4. Officers will not circumvent this process to file charges on any person.

B. Officers will obtain their supervisor's approval on the following types of arrests prior to transport:

1. All arrests where an officer is the victim, i.e. assault on a police officer, resisting arrest or search, etc.;
2. Evading arrest;
3. Class C offenses;
4. Refusal to sign a citation; or
5. Failure to identify.

C. It is the responsibility of the supervisor reviewing the arrest to determine the validity of the arrest.

III. Juvenile Arrests

- A. Officers will be guided by, and comply with, current Department policy regarding the handling of juvenile offenders.

IV. Misdemeanor Arrests Without Warrants

A. Class C Misdemeanors – Use of Discretion

1. Class C misdemeanors are generally regarded by courts and the public as minor violations.
2. The fact that a minor infraction of the law has been committed is not sufficient reason to justify an arrest. Officers should not only be concerned with what the law says, but with what the law was designed to accomplish. Laws generally serve as the tools given peace officers to be used to protect residents' rights and to maintain peace in the community. If enforcement of the law does not serve these purposes, arrests can rarely be justified.
3. This policy is based upon the idea that the use of an arrest, followed by prosecution, is not the primary or exclusive method available to police officers and this Department. One of our concerns is the maintenance of public order, looking toward a preventive rather than a punitive approach to crime.
4. The following procedures affect enforcement action on all Class C misdemeanors except traffic. Officers, in deciding the appropriate action to take when confronted with a Class C offense, shall be guided by the following:
 - a) Officers of this Department should select the least intrusive or severe method, which accomplishes one or more of the following:
 - (1) Stopping existing criminal conduct;
 - (2) Removing the imminent threat of violence or criminal conduct; or
 - (3) Preventing persons from endangering themselves or others.
 - b) Officers are not required to exhaust all alternatives before making an arrest; nor are officers required to go through the alternatives in succession but may resort to that method that will most quickly and safely bring the situation under control.
 - c) Officers may consider any factors that are reasonably believed to be relevant, based upon observations, and considering personal knowledge, training and experience.

d) Officers are expected to be able to state and describe the reason(s) for a particular course of action upon the request of the reviewing supervisor.

5. A full-custody arrest should be made in the following situations, when such arrest is authorized by law:

a) Where the threat of bodily injury to any person is imminent and cannot be removed by a lesser method of intervention;

b) Where there is reason to believe the actor is, or has been, involved in a more serious offense and a full-custody arrest will serve to gather evidence of that additional offense; or

c) When the actor's fingerprints or photographs are needed to clearly establish his or her identity.

B. Class A and B Misdemeanors

1. These offenses must be disposed of at the County Court level.

2. All officers are expected to arrest for Class A and B misdemeanor violations when the arrest can be legally made.

3. Officers are authorized to issue a misdemeanor citation to persons:

a) Found in possession of less than one (1) ounce of marijuana.

(1) Juveniles will not be issued a misdemeanor citation for this violation. Officers will comply with Department policy regarding the handling of juveniles for this type of offense.

C. Citizens' Authority for Arrest

1. State law gives citizens the authority to arrest for the crime of theft as well as some other specific areas. This does not mean that an officer must take custody of every person arrested by a citizen. If there are any questions about the validity of any of the information provided about the arrest, the arrested person should be released, and the case should be filed at large.

2. In the event that a private citizen has detained a suspect, the Tom Bean Police Department will initiate all necessary reports and will ensure that the citizen will appear as a witness and give a sworn statement of facts.

3. In every incident the officer will ensure that a complete and impartial investigation is made so that the rights of the victim, and also the accused, will be protected.

4. After learning the facts, the officer will then make a decision as to the continued custody of the suspect.

5. For the purposes of this section, private citizens will also include:
 - a) Security guards; and
 - b) Store loss prevention agents.

D. Arrests by Peace Officers from Other Jurisdictions

1. Peace officers have statewide arrest authority in many situations, even when outside the peace officer's jurisdiction. Any arrest made in the City of Tom Bean by a peace officer whose jurisdiction does not include the City of Tom Bean will be handled following the applicable provisions of Article 14.03 (d) or (g). Any arrest made by an off-duty officer from another jurisdiction that does not meet the requirements of Article 14.03 (d) or (g) will be handled as a citizen's arrest.

E. Misdemeanor Theft of Service

1. Custody arrests for unpaid cafe checks, theft of gasoline from service stations, taxicab fares, and theft of service violations should be made only when investigation shows that there was intent to deprive the victim of the merchandise or service. Officers should be alert to the fact that these incidents may be civil matters involving disputes over the quality or quantity of the service or merchandise delivered.

V. Misdemeanor Arrests Without Warrant at Private Residence

- A. Officers will not forcibly enter a private home to arrest a person for a misdemeanor violation. This includes officers in hot pursuit of a subject, and cases in which the subject has escaped from custody and fled into a private home.
- B. Custody arrests will not normally be made for a misdemeanor offense inside a home unless authorized by a supervisor. Misdemeanor custody arrests inside a home without a supervisor's approval will be made only under the following circumstances:
 1. The offense is committed in the officer's presence;
 2. The offense is classified as domestic violence; or,
 3. The offense is a violation of a valid protective order.
- C. When a violation occurs in a private home or the person flees into a private home, it is permissible for the officer or a citizen to file a complaint and have warrants issued for the person's arrest.

- D. Persons should not be arrested and charged with being intoxicated if they are on their own property which is not open to the public. Subjects may be arrested if they are creating a disturbance on their own property and can be viewed by other persons, and the disturbance cannot be ended in any other manner. However, if they are not creating a disturbance and no other violation exists, no arrest will be made.

VI. Felony Arrests Without Warrant at Private Residence

- A. Officers, who are legally inside a private residence and observe a felony being committed or develop probable cause to believe a felony has been committed and there is no time to obtain a warrant, may arrest.
- B. When officers develop probable cause to believe a felony is being committed inside a private residence, and a bona fide emergency exists, they may enter to arrest the violator.
- C. Officers in hot pursuit of a felony violator who flees into a private residence may enter to affect the arrest.
- D. Officers receiving information that a felony violator is inside a private residence, courts have held that a private residence includes, but is not limited to, a home, apartment, hotel room, or motel room, may not enter and search for the violator with the following exceptions:
 - 1. They are in possession of a valid search warrant for the location;
 - 2. They have received written consent from the person in care, custody and control of the location;
 - 3. They can clearly articulate that delaying entry would expose a person to serious injury or death, or allow the violator to escape; or
 - 4. They have personally observed the felony violator enter the residence at that time.
- E. Before officers forcibly enter a private residence to arrest for a felony, they should obtain the approval of a supervisor and, whenever possible, act only when the supervisor is present.

VII. Arrest of Foreign Nationals

- A. The U.S. is obligated under the Vienna Convention on Consular Relations, international treaties, and customary international law to notify consular officials when foreign nationals are arrested or otherwise detained in the U.S.
- B. Arresting officers will immediately inform any foreign nationals of their right to have their consular officials notified concerning the arrest or detention.

1. If foreign nationals ask that such notification be made, the arresting officer will do so without delay by ensuring notification to the nearest consulate or embassy.
 2. If foreign nationals are from a country with which the United States has a mandatory notice, treaty or convention, the arresting officer will, without delay, ensure notification to the nearest consulate or embassy, regardless of whether the national requests such notification.
- C. The Communications Division will maintain a current telephone list of foreign embassies and consulates and a list of mandatory notice countries.
- D. Foreign consular officials have the right to visit their arrested or detained nationals unless the person objects to the visit.
- E. Foreign consular officials enjoy varying degrees of immunity from arrest.
1. Consular officials should carry an identification card issued by the United States Department of State.
 2. Instructions on immunity printed on the reverse side of the identification card will guide the officer's decision to arrest or detain the person.
 3. If an officer arrests an individual who claims diplomatic immunity, but who cannot produce an identification card, the officer should contact the Department of State at (202) 647-4415 from 8 a.m. to 5 p.m. Eastern Time and (202) 647-1512 at all other times.

VIII. Civil Disputes

- A. The presence of police officers at the scene of a civil dispute can have an intimidating effect upon persons and is a tactic often employed by individuals and establishments seeking to avoid the more cumbersome civil process.
- B. Officers shall not become involved in civil disputes except to preserve the peace and to prevent a crime from occurring.
- C. Types of civil disturbances officers may be called to include, but are not limited to, landlord and tenant disputes, repossessions, child custody situations, etc.

IX. Arrests Made by Other Agencies

- A. When an arrest is made by another law enforcement agency within the confines of its geographical jurisdiction and the Tom Bean Police Department is asked for assistance, necessary assistance will be provided in compliance with Department policy governing relations with other law enforcement agencies.
1. All follow-up investigations, booking, and filing of complaints will remain the responsibility of the arresting agency.

- B. When an arrest is made without a warrant by another law enforcement agency outside that agency's geographical jurisdiction, the Tom Bean Police Department may be called upon to take custody of the suspect.
 - 1. The Tom Bean police officer will handle the case complying with Article 14.03(d) or (g) of the Code of Criminal Procedure.
 - 2. The outside agency arresting officer is required to complete the necessary supplementary reports.

X. Children in Custody of Arrested Persons

- A. When arrested persons have a child less than 17 years of age in their care, custody and control at the time they are arrested, it is the responsibility of the arresting officer and the immediately available supervisor to ensure the safe placement of the child.
- B. The arresting officer will first attempt to locate a competent adult, at the request of the arrested party, to come and take custody of the child. Should a competent adult be located, the officer shall:
 - 1. Contact the Texas Department of Protective and Regulatory Services' Law Enforcement Number at 1-800-877-5300 and request a CAPS (Child/Adult Protective Services) check be done to ensure the child is being placed in a safe environment with no abuse history through their agency. The staff representative answering the phone will need the following information on the person with whom you want to place the child:
 - a) The name, address, and any other pertinent information.
 - b) The staff representative will ask you for a phone number to call in order to verify your identity and provide any history on the subject. Officers shall provide the phone number for the Communications. This process should take approximately 10 minutes.
 - 2. Check Tom Bean Police Department databases for any protective order regarding the adult with whom placement of the child is being considered.
 - 3. Warrant and criminal history checks should also be done to ensure the child is not being placed with a wanted or dangerous felon.
 - 4. Fully identify the person with whom the child is being placed, and document that information within the incident report.
- C. Law enforcement officers in the State of Texas are given the same powers as authorized representatives of the Department of Protective and Regulatory Services in the following situations:

1. Family Code 262.104: Taking possession of a child in an emergency without a court order;
2. Family Code 262.110: Taking possession of child in an emergency with intent to return home.

XI. Handcuffing – When Documentation is Required

- A. While investigating an offense or suspected offense, officers may handcuff individuals solely for the safety of the officer or others when it is appropriate, or when the risk of escape exists.

XII. Documentation of Arrest/Release Situations

- A. An incident report is required anytime an officer arrests a person, whether or not handcuffs are applied, even if the person is subsequently released at or near the scene.
- B. This does not apply to temporary detention situations in which an arrest is not made.

Tom Bean Police Department

Administrative Directive

Number: 103.009	Effective Date: ??/??/????
Subject: Misdemeanor Citations	Revision Date:
Affected Personnel: All Sworn Personnel	Amends/Supersedes:
Reference: N/A	

I. Policy

Expanded use of misdemeanor citations should accomplish at least two objectives, both of which will promote efficiency. First, it provides officers with a means to enforce laws and ordinances which have not been adequately enforced in the past due to the lack of a suitable procedure short of custody arrest. Secondly, it provides a method of releasing persons who in the past would have been jailed for minor offenses.

II. Guidelines

- A. The guidelines established for issuing misdemeanor citations are more permissive than mandatory and should not be viewed as placing further restrictions on the officer's authority.
- B. Issuance of misdemeanor citations should be considered an alternative to full custody arrest. The type of violation and the circumstances surrounding each incident will determine whether misdemeanor citations will be issued or full custody arrests made.

III. General Procedures

- A. Misdemeanor citations should be used when the following criteria are met:
 - 1. The offense is a Class C misdemeanor other than a traffic violation;
 - 2. The violator has sufficient identification;
 - 3. The officer has no substantial reason to believe the actor will fail to appear; and
 - 4. The officer has reason to believe that release on citation will result in termination of the violation.
- B. Officers are responsible for completely filling out the misdemeanor citation.
- C. Officers issuing misdemeanor citations to juveniles will refer to Department policy regarding juveniles.

IV. Thefts and Shoplifting

- A. Misdemeanor citations for thefts or shoplifting may be issued by officers in the field, only if all the requirements for release by citation are met, and then only under the following circumstances:
 - 1. The property value is under \$100.
- B. Procedures for issuing a misdemeanor citation for Class C Theft:
 - 1. All of the criteria listed in this directive must be satisfied.
 - 2. Officers are responsible for completely filling out the citation and obtaining signatures on the citation.
 - 3. The stolen property will be properly photographed for evidentiary purposes.
 - 4. The business is responsible for providing documentation that clearly shows the value of the stolen property.
 - 5. The documentation and photographs of the recovered property are submitted to the Property Custodian in accordance with Departmental policy.
- C. Nothing in this section prevents an officer from making a custody arrest if it is necessary to further an investigation of a more serious offense.

V. When Field Release May Not Be Used

- A. Misdemeanor citations should not be issued if:
 - 1. A full custody arrest is called for, or if the officer has reason to suspect the person is involved in a more serious offense and a custody arrest would serve to gather evidence to support another charge;
 - 2. Such release is likely to allow a continuation of the violation or where failure to make a custody arrest is likely to allow a more serious violation to occur;
 - 3. The person has a history of failing to appear in court when scheduled.

Tom Bean Police Department

Administrative Directive

Number: 103.012	Effective Date: ??/??/????
Subject: Training	Revision Date:
Affected Personnel: All Personnel	Amends/Supersedes:
Reference:	

I. Policy

It is the policy of the Tom Bean Police Department to provide training to accommodate Department needs and to actualize the interest and concern which the Department has for the self-improvement and personal development of its employees.

II. Responsibilities

- A. The Tom Bean Police Department shall maintain a Training Section responsible for Department training functions, developing and administering training programs and coordinating training through outside agencies and institutions.
- B. It is the responsibility of all employees to teach those with whom they work the skills and knowledge necessary to perform the job at hand.
- C. The responsibility of developing and maintaining training programs shall lie with the Chief of Police or designee (Training Coordinator).
- D. The responsibilities of the Training Coordinator shall be to:
 - 1. Plan, develop and evaluate programs;
 - 2. Notify personnel of required training and training that is available to agency personnel;
 - 3. Maintain training records;
 - 4. Ensure that required training programs are attended;
 - 5. Implement and coordinate training programs;
 - 6. Select instructors; and
 - 7. Other responsibilities as assigned.

III. Requests for training

- A. If an officer locates a training program that he or she wished to attend, a Request for Training Form should be completed and submitted to the Training Coordinator.

IV. Attendance and Reimbursement

A. Attendance

1. Whenever possible, the Training Coordinator provides advanced notice of training to the employee and the proper chain of command.
2. Attendance records are maintained for employees attending Department or outside programs and become part of the employee's training file. The employee shall forward a copy of a certificate of completion, if available, to the Training Coordinator after the completion of the training.
3. Exceptions to mandatory attendance for training are granted by the Training Coordinator or a division supervisor for reasonable excuses of a conflicting nature such as a court appearance, illness, Department business of an emergency or serious nature, and personal emergencies. Persons who are on a pre-approved vacation at the time of a training session are not scheduled to attend the training.

B. Reimbursement

1. The Department pays for tuition and transportation costs of training approved and sponsored by the Department. These payments are initiated from the Chief of Police.
2. The employee is reimbursed for all other appropriate expenses such as mileage, meals, housing and other fees as approved by the Training Coordinator.

V. Relationships with Outside Academies

- A. The Tom Bean Police Department utilizes certified law enforcement academies to train new employees. This is done in compliance with mandatory training requirements as established by the Texas Commission on Law Enforcement Officer Standards and Education. The Department also utilizes these academies and others to supplement the in-service training programs.
- B. The Training Coordinator is responsible for maintaining a positive relationship with the academies by the following:
 1. Acting as a liaison between the Department and the academies;

2. Coordinating requests for Tom Bean Police Department staff, facilities, instructors and other resources with the academies when said resources are available; and,
 3. Coordinating the financial obligations of the Department and the academies.
- C. After Department personnel have completed and passed the mandatory basic training, they return to the Department for additional study concerning the procedures, policies, rules and regulations of the Department and other necessary training courses.
- D. Recruit officers will not be allowed to act on their own until they have also completed a prescribed Field Training Program. Until released from the Field Training Program, recruits will not be allowed to work overtime alone or at off-duty police related jobs. Recruits will receive training on deadly force and qualify with their duty weapons before authorized to carry a firearm.
- E. The in-house additional recruit training program for the Tom Bean Police Department includes:
1. A curriculum based on tasks of the most frequent assignments associated with the duties of officers who complete recruit training; and
 2. Use of evaluation techniques designed to measure competency in the required skills, knowledge and abilities.

VI. Training Instructors

- A. Selection of qualified instructors is critical to the successful operation of a successful training program. The Training Coordinator assigns instructors for Department in-service training.
- B. Instructors utilized for Department in-service training must possess:
1. Knowledge of teaching theories, methods and practice;
 2. Knowledge of the subject matter; and
 3. Preferably, a basic instructor certificate.
- C. It is the goal of the Department for instructors to successfully complete a Basic Instructor Course approved by TCOLE which includes training in the following areas:
1. Lesson plan development;
 2. Performance objective development;
 3. Instructional techniques;

4. Learning theory;
 5. Testing and evaluation techniques; and
 6. Resource availability and use.
- D. The Training Coordinator identifies and works in conjunction with other agencies and public resources in training Tom Bean Police Department personnel. The resources are used to provide specialized training as needed. Instructors from other agencies or the private sectors are selected and evaluated under the same criteria as Department instructors.

VII. In-Service Training

A. Training programs

1. To ensure that training programs are indeed providing the training needed, several sources of information and data should be consulted. Where the data indicates a problem or deficiency that could be corrected through training, steps will be taken to provide training in these areas.
2. Sources that may be reviewed prior to training program development are:
 - a) Information obtained through line inspections;
 - b) Consultation with field personnel and field observation;
 - c) Internal affairs investigative reports, when applicable; and
 - d) Discussion with and approval by the Chief of Police.

B. In-service training programs

1. All in-service training programs require a lesson plan. Instructors ensure that all periods of instruction are adequately covered by lesson plan outline. Lesson plans include, as applicable, the following:
 - a) Teaching techniques;
 - b) Field experiences;
 - c) Presentation;
 - d) Problem solving;
 - e) Simulations; and
 - f) Student performance objectives.

2. Lesson plans shall incorporate performance objectives that acquaint the trainee with the information they are required to know, the skills which must be demonstrated, and the circumstances under which such skills are used. These performance objectives include the following:
 - a) Provide clear statements of what is to be learned;
 - b) Provide the basis for evaluating the participants; and
 - c) Provide a basis for evaluating the effectiveness of the training programs.
3. Lesson plans are prepared in the format designated by the Training Coordinator and are submitted for approval as to completeness and consistency prior to the scheduled instruction.
4. In order to evaluate the participants of a training program, a pretest and/or posttest may be used. Instructors utilize competency-based testing which uses performance objectives and measure participant's knowledge of job-related skills. Passing and failing scores must be incorporated into the lesson plan, if used.
5. Following an employee's participation in a training program, their training records are updated to show the date(s) of the training, type of training received, any certification received, attendance and test scores, if available.
6. The Training Coordinator keeps records of all Department training programs. These records include:
 - a) Names of personnel attending training;
 - b) Types of training/subject matter/course content;
7. Department training files are released to outside agencies or individuals by the Training Coordinator with the consent of the Chief of Police.

C. Annual Training

1. In addition to State Law requirements, the Department provides for and requires attendance at annual training for all personnel. This training enhances career development and supplements promotional opportunities, assignment to a specialized component and executive development for higher-ranking officers.

2. All sworn personnel will be required to complete an annual retraining program. The training may include, but is not limited to, a review of the following topics:
 - a) Review of Department policy, procedures, rules and regulations, with emphasis on changes;
 - b) Ethics and integrity, taking into consideration cultural influences, policy compliance and doing what is correct rather than what is not illegal;
 - c) Review of statutory or case law affecting law enforcement operations, with emphasis on changes;
 - d) The functions of agencies in the local criminal justice system;
 - e) Exercise of discretion in the decision to invoke the criminal justice process;
 - f) Interrogation and interviewing techniques;
 - g) New or innovative investigative or technological techniques or methods, if any;
 - h) Hazardous materials incidents;
 - i) Contingency plans, if any, including those relating to special operations and unusual occurrences;
 - j) Crime prevention policies and procedures;
 - k) Collection and preservation of evidence;
 - l) Firearms and baton re-qualification and training;
 - m) Departmental policy on the use of force, including the use of deadly force;
 - n) Report writing and records system procedures;
 - o) Victim/witness rights, policies and procedures; and
 - p) Other subjects as required.

D. Roll Call Training

1. Short training sessions held as a part of roll call are offered to keep employees up-to-date between formal retraining sessions.

- a) Instruction requirements are relaxed in roll call training so that all employees may participate. Roll call training is mandatory for all shift personnel as workloads and schedules permit.

2. Online Training

- a) Training on various aspects of law enforcement may be provided through OSS Academy or TEEEX (Texas A&M Engineering and Extension Service) via the Internet.

E. Advanced Training

1. Advanced training is provided to Department members who have been promoted to positions of management or leadership. This advanced training may be used to meet the mandatory training requirement set by law or other Department policy. Advanced training usually takes place outside the Department and will be provided within the first year following promotion.
2. Advanced training may also be used to supplement a current assignment, prepare for a future assignment or to fill special needs of the Department.

F. Specialized Training

1. In-service and/or academy instruction for members appointed to positions whose knowledge base exceeds that provided during previous training and employment experience defines the need for specialized training. Positions requiring specialized training include but are not limited to the following:
 - a) Supervisors;
 - b) Impact weapon instructor;
 - c) Field Training Officer;
 - d) Instructor;
 - e) Investigator;
 - f) Firearms Proficiency Officer; and
 - g) Other specialties as identified by the Training Coordinator.
2. To prepare employees for these assignments, the Department provides specialized training which may include the following:
 - a) Development and/or expansion of skills, knowledge and abilities particular to the specialization;

- b) Familiarity with management, administration, supervision, personnel policies and support services of the function or component;
- c) Explanation of agency policies, procedures, rules and regulations specifically related to the component position;
- d) Emphasis on performance standards of the assignment; and
- e) Supervised on-the-job training to complement previous instruction when practical.

G. Remedial Training

1. To ensure that Department personnel do not suffer deficiencies in basic skills, knowledge, and abilities required to perform their assigned tasks, a remedial training program is established.
 - a) When, based on sound evidence, a supervisor has identified by testing or inspecting job performance that an employee has demonstrated a deficiency in basic ability to perform assigned tasks, and the supervisor has reason to believe that such deficiency may be corrected, he may direct that employee, in writing, to attend a specific remedial training program. The supervisor will identify such programs through the Training Coordinator.
 - (1) As soon as practical, the employee will take part in a training session that will address the noted deficiency.
 - (2) Failure by the employee to correct the deficiency may result in disciplinary action. The refusal to complete or the unsuccessful completion of the assigned training can result in disciplinary action against the employee.

Tom Bean Police Department

Administrative Directive

Number: 103.014	Effective Date: ??/??/????
Subject: Use of Agency Owned Vehicles	Revision Date:
Affected Personnel: All Personnel	Amends/Supersedes:
Reference:	

I. Policy

In the interest of safety, to expedite response to calls for service and to protect the City of Tom Bean from possible costly civil claims, the use of agency owned vehicles is restricted.

II. General Operation

- A. Department vehicles shall be used only when the use is necessary for Departmental activities.
- B. The use of Department vehicles by non-sworn personnel who do not customarily operate Department vehicles is prohibited, unless the Chief of Police grants prior approval.
- C. Department members and passengers will use appropriate safety equipment when operating or riding in any Department vehicle. Child safety seats are available for on-duty personnel who find it necessary to transport young children.
- D. Department vehicles shall be secured when parked unattended.
- E. Equipment that is not specifically assigned to a Department vehicle must be removed if the vehicle is to be parked overnight. The only exception will be where it is necessary to leave an article in the vehicle because of the nature of a meeting, other contact or overnight lodging.
- F. When a Department vehicle is left for service where personnel other than those employed by the City of Tom Bean have access to the vehicle interior, all firearms and the MDC must be removed.
- G. Personnel who operate Department vehicles are responsible for ensuring the vehicle has adequate fluid levels and tire pressure to function properly. Personnel assigned to patrol duties, who operate vehicles as part of their routine assignment must check all fluid levels, including engine oil, at the start of their work shift.
- H. Smoking is not permitted in Department vehicles.

- I. No alcoholic beverages are to be consumed or carried in Department vehicles and Department vehicles shall not be driven after the operator has been drinking alcoholic beverages off-duty, unless such action can be directly related to Departmental business.

III. Passenger Restrictions

- A. Passengers in agency owned vehicles are restricted to the following:

1. Sworn officers of the Tom Bean Police Department,
2. Departmental employees required to use or ride in such vehicles in the line of duty and then only as needed to perform those duties,
3. Employees of other departments transported to perform a specific task,
4. Other City of Tom Bean employees when their transportation is necessary to conduct official business,
5. Persons who are in custody of a Tom Bean Police Officer or who are being transported because of a duty related activity such as a motorist assist,
6. City of Tom Bean Public Safety Communications personnel as a part of their authorized orientation or continued training,
7. Persons specifically approved for transport by a supervisor, or
8. Civilians or officers from other departments who have been authorized to ride as observers.

IV. Take Home Cars

- A. Certain vehicles operated by the Department are used during other than normal business hours for the purpose of conveying personnel or equipment to and from the homes of designated individuals.
- B. These vehicles are not provided for the extensive personal use of their operators, but for the benefit of the Department in case their operators are required to respond to any situation. Therefore, personal use of these vehicles for other than the briefest of trips is prohibited. Family members will not be routinely transported in Departmental vehicles due to insurance restrictions. Exceptions to this policy must be approved by the Chief of Police.
- C. These vehicles will not be driven beyond the limits of counties in the State of Texas immediately contiguous to Grayson County without the approval of the Chief of Police.

- D. These vehicles will be used for Departmental business and response to incidents when the assigned operator is required to respond to the scene of an incident.
- E. Personnel who operate these vehicles are required to possess a valid operator's license for motor vehicles through a state licensing agency to evidence that they have completed the training required to operate vehicles.
- F. The maintenance of the vehicle is the responsibility of the person assigned to the vehicle. Modifications will not be made to the vehicle without supervisory approval.
- G. Each person is responsible for maintaining any necessary equipment they might need in the vehicle.
- H. The following personnel may be authorized to take Department vehicles home after their normal hours of work if they reside within Grayson County:
 - 1. Chief of Police.
 - 2. The "on-call" duty officer
- V. General Assignment Vehicles
 - A. General assignment vehicles are available for personnel when conducting Departmental business. These vehicles can also be used as surveillance vehicles if needed.
 - B. These vehicles are not provided for the extensive personal use of their operators, but for the benefit of the Department in case their operators are required to respond to any situation. Therefore, only limited personal use of these vehicles is authorized. Family members will not be routinely transported in Departmental vehicles due to insurance restrictions. Exceptions to this policy must be approved by the Chief of Police.
 - C. These vehicles will be used for Departmental business and response to incidents when the assigned operator is required to respond to the scene of an incident.
 - D. Personnel who operate these vehicles are required to possess a valid operator's license for motor vehicles through a state licensing agency to evidence that they have completed the training required to operate vehicles.
 - E. Any employee preparing to use a vehicle should check it for scheduled maintenance needs, damage, cleanliness, malfunction or evidence of

misuse. Evidence of misuse, damage, etc. must be immediately reported to the employee's supervisor.

- F. Equipment is not normally maintained in these vehicles.
- G. Sworn personnel are authorized to operate these vehicles.

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Tom Bean Police Department

Administrative Directive

Number: 103.015	Effective Date: ??/??/????
Subject: Emergency Driving	Revision Date:
Affected Personnel: All Personnel	Amends/Supersedes:
Reference:	

I. Policy

In order to apprehend violators of the law and to offer adequate assistance and protection to the citizens of Tom Bean, the Department recognizes the necessity to respond under emergency situations as rapidly as possible. It is further recognized that discretion is necessary when making an emergency response and that the importance of the officer arriving safely at the scene is of primary concern. Indiscriminate driving habits can only serve to jeopardize life and property.

II. Legal Implications

Chapter 546 of the Texas Transportation Code allows operators of authorized emergency vehicles the discretion to disregard certain traffic laws under specific circumstances, but it does not relieve the operator from the duty to operate the vehicle with appropriate regard for the safety of all persons or the consequences of reckless disregard for the safety of others.

Chapter 542 of the Texas Transportation Code includes provisions that allow local authorities, with respect to a highway under its jurisdiction and in the reasonable exercise of the police power, to regulate traffic by police officers or traffic-control devices, regulate the stopping, standing or parking of a vehicle, and regulate or prohibit a procession or assemblage on a highway.

Officers should carefully review the laws and Departmental directives, which apply to the operation of authorized emergency vehicles, to ensure that they operate within the established boundaries.

III. Definitions

Code Three – This designation is used to describe the operation of a vehicle while the emergency lights and siren are activated.

Code Two – This designation is used to describe the operation a vehicle while the emergency lights are activated, but without the use of the siren.

Code One – This designation is used to describe the normal operation of a vehicle without the use of emergency lights or siren.

IV. General Criteria

A. Code III

1. This mode of operation may be used when responding to emergencies. These include situations in which death or injury has just occurred or in which someone is actively engaged in conduct that may result in death or injury. Examples of Code III calls include but are not limited to:
 - a) Authorized pursuit;
 - b) Aggravated assault in progress;
 - c) Sexual assault in progress;
 - d) Kidnapping in progress;
 - e) Major accident;
 - f) Officer needs assistance; or
 - g) With supervisor authorization.
2. Officers shall notify the Communications Operator of their Code III response prior to the activation of emergency equipment.
3. When operating Code III in response to calls, officers may:
 - a) Exceed the speed limit but they must regulate their speed so as not to endanger life or property;
 - b) Proceed with caution through traffic signals and stop signs after slowing and if necessary, stopping to ensure the intersection is clear; and
 - c) Disregard laws governing direction of movement and turning when it can be done in safety.
4. Only the primary unit, the assigned backup(s), and the supervisor may operate Code III when responding to an emergency call.
5. Once a unit at the scene advises that the situation appears to be under control, all responding units will immediately terminate Code III operation.

B. Code II

1. This mode of operation may be used when responding to urgent calls. These include situations in which someone is actively engaged in criminal conduct and there is reason to believe the immediate response of a police officer will prevent the situation from worsening, or there is the reasonable possibility that the suspect can be apprehended. Examples of Code II calls include, but are not limited to:
 - a) Armed robbery in progress;
 - b) Burglary in progress;
 - c) Assault in progress;
 - d) Disorderly conduct involving violence in progress; and
 - e) Escort functions such as funerals or parades.
 2. Officers shall notify the Communications Operator of their Code II response prior to the activation of emergency equipment.
 3. When operating Code II, officers **SHALL** obey all traffic laws and regulations.
 - a) If it becomes necessary, officers may temporarily activate the air horn to pass through traffic control devices.
 - b) Officers will at all times use due regard for the safety of motorists, pedestrians, and property.
 4. Only the primary unit, the assigned backup(s) and the supervisor may operate Code II when responding to an urgent call.
 5. Once a unit at the scene advises that the situation appears to be under control, all responding units will immediately terminate Code II operation.
- C. Code I
1. This mode of operation shall be used for calls that do not meet the criteria for Code III or Code II calls.
 2. When operating Code I, officers **SHALL** not violate any traffic law.
 3. Officers may exceed the speed limit operating Code I in order to clock or overtake vehicles that appear to be speeding, if they can do so safely.
- D. Supervisory personnel retain authority at all times to override any decision made regarding an emergency code response.

V. Exclusions to Emergency Response

- A. Vehicles without emergency signal equipment will not be used for pursuits or emergency response.

VI. Emergency Response Considerations

- A. Due regard for the safety of others and the application of good driving practices should characterize the running of any emergency code.
- B. Use of the vehicle's emergency equipment amounts to a request for right-of-way, but does not insure that other motorists will yield the right-of-way.
- C. Emergency response speed is determined by the nature of the call and most importantly by such things as weather, road, and existing traffic conditions.
- D. When entering an intersection under emergency conditions and upon finding the main traffic lanes blocked, the left turn lane should be the first alternative.
- E. Secondary alternatives are any other open traffic lanes. Final alternatives include business establishment driveways, but only when exercising extreme caution.
- F. When approaching traffic traveling the same direction, the approach should be slow enough to allow that traffic to move out of the way.
- G. If a responding officer is advised to disregard, the officer should select the first available side street, turn down the street, and then shut down the emergency equipment. Terminating emergency signals in the middle of moderate to heavy traffic can prove hazardous.
- H. When responding to a call at a private residence, the officer should shut down the emergency equipment prior to arrival.
- I. Audible signals should be sounded well in advance of entering an intersection. It is good practice to stop prior to entering any intersection against a red traffic signal or stop sign.
- J. When entering an intersection with a green traffic signal, it is good practice to significantly reduce the vehicle's speed; keeping in mind that proper evasive action may involve braking or accelerating dependent upon the circumstances at hand.
- K. Extra caution should be used when topping hills or rounding blind curves, especially when responding to accident calls. Wreckage in the roadway may not be visible to the approaching emergency vehicle and a secondary crash could ensue.

- L. Children are often drawn to the sound of sirens. Special caution should be exercised in and around schools and residential areas to avoid children who might run into the street ahead of approaching emergency vehicles.
- M. Officers should be alert to traffic from side streets, to pedestrians, and to stalled vehicles.
- N. Operators of emergency vehicles running codes should keep in mind that other vehicles are required to yield to the right only and that the left portion of the roadway should be used whenever possible.

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Tom Bean Police Department

Administrative Directive

Number: 103.016	Effective Date: ??/??/????
Subject: Pursuits	Revision Date:
Affected Personnel: All Personnel	Amends/Supersedes:
Reference:	

I. Policy

Operation of a police vehicle as an emergency vehicle, whether in a 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. State Law granting legal authority for emergency vehicle operation is found in the Texas Transportation Code. Officers are to carefully weigh the objectives with the risks to be taken before engaging in any pursuit.

II. Definitions

Marked Vehicles - For purposes of this directive, marked vehicles are those clearly distinguishable as police vehicles by means of equipment, markings and color, and include designated vehicles that may not be equipped with overhead lights.

Primary Officer - The first officer to initiate the pursuit.

Pursuit - An active attempt by a law enforcement officer on duty in a patrol vehicle to apprehend one or more occupants of a moving motor vehicle, providing the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing his speed or by ignoring the law enforcement officer's attempt to stop him.

Unmarked Vehicles - For purposes of this directive, unmarked vehicles are those vehicles without distinctive markings or colors that identify them as police vehicles. Such vehicles include those assigned to administration or investigations.

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, will turn off their emergency lights and siren, reduce speed to legal limits, and return to normal duties.

III. Evaluation of Circumstances

A. Every time an offender flees from an officer, the officer is faced with the decision whether or not to pursue the offender. In making that decision, the officer must consider the following:

1. Nature of the offense committed by the offender;
2. Extent to which the offender may be identified;

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, etc;
7. Roadway and weather conditions;
8. Age of the offender, i.e., inexperienced juvenile driver versus adult driver;
9. The condition of the police vehicle;
10. The condition of the offender's vehicle; and
11. The driving skills of the officer involved. Officers should know their driving abilities and should not exceed them.

IV. Initial Notifications

- A. The primary officer initiating a pursuit shall broadcast that fact as soon as possible. The officer should make every effort to broadcast:
 1. The reason for the pursuit;
 2. Location of the pursuit;
 3. Direction of travel;
 4. Description and license plate of vehicle being pursued;
 5. Description of the person(s) in the vehicle; and
 6. Description of the fleeing vehicle's evasive actions if any such as running without headlights, intentional collisions with the police unit or other vehicles, driving on the wrong side of the road, etc.
 7. Request the communications operator to contact the Chief of Police and / or Patrol Sergeant to notify them of the ongoing pursuit.

V. Supervisor Involvement

A. Control Supervisor

1. The supervisor notified of the pursuit will be designated as Control Supervisor.

B. Responsibilities

1. The Control Supervisor shall intervene and terminate any pursuit where the risks of continuing the pursuit outweigh the nature of the violation. The control supervisor is often in an excellent position to judge the overall situation impartially, since normally he / she is not actively involved in the pursuit personally.
2. The Control Supervisor is individually responsible for ordering termination of any pursuit, which he / she feels does not meet the criteria for continuing. Officers and supervisors have considerable discretion on whether to continue or terminate a pursuit.
3. The Control Supervisor may respond to the pursuit termination point of Tom Bean Police Department initiated pursuits. The Control Supervisor (if responding) will be responsible for controlling police actions at the scene and ensuring all reports are completed accurately.

VI. Continuation or Termination of the Pursuit

- A. A decision to continue or terminate must be based on all available known facts and must be constantly re-evaluated as conditions or circumstances change.
- B. An officer's decision not to pursue or to terminate a pursuit that has been started will not be subject to review or discipline.
- C. Police officers are accountable for their actions and individually bear the responsibility to terminate a pursuit at any time it becomes excessively dangerous to the officers or innocent citizens.
- D. If at any time the pursuing police units encounter hazardous traffic or other conditions, which substantially increase the risk of death or serious injury to innocent citizens, the pursuit must be terminated unless the known violations are of sufficient gravity to outweigh the risks involved in continuing the pursuit.
- E. A pursuit will be terminated any time an excessively high speed is reached, taking into consideration traffic, weather, and all other pertinent conditions.

VII. Safety Guidelines

- A. No more than three police units will be actively involved in the pursuit unless authorized by the Control Supervisor. The units authorized to be actively involved in the pursuit are:
 - 1. The primary unit; and
 - 2. two assisting units.
- B. Only the primary pursuing police officer will attempt to keep the fleeing vehicle in sight.
- C. If another Tom Bean police officer is authorized to participate, that officer will remain a safe distance behind the primary police vehicle. Whenever possible, the assisting unit should assume radio communications.
- D. If additional Tom Bean officers are authorized to be involved, each officer will maintain a safe distance between his or her vehicle and the nearest other pursuing vehicle.
- E. When a pursued vehicle goes through red lights, stop signs, or major intersections, the pursuing police vehicles are to slow down or stop before going through the intersections as may be necessary for safe operation.
- F. Use of red lights and siren in pursuits is mandatory.
- G. All officers should consider the seriousness of the offense committed when making a decision as to whether or not to pursue the violator.
- H. When the pursued vehicle is operating at high speed, and it has become probable that the pursued driver is deliberately fleeing:
 - 1. Pursuing police vehicles will not attempt to pass or pull beside the fleeing vehicle.
 - 2. The primary pursuing officer will continue to follow the fleeing vehicle at his discretion, but must maintain sufficient space between the police vehicle and the pursued vehicle to give the officer an opportunity to avoid an accident if the pursued vehicle suddenly stops or performs an unexpected maneuver.
 - 3. Remember and expect police vehicle brakes will fade badly after even one or two high-speed applications.

VIII. Equipment Failures

- A. In any event, an officer shall terminate his pursuit if any emergency equipment on the unit stops working.
- B. The pursuit will also be terminated at 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, including loss of any emergency equipment.
- C. The pursuit will be terminated at any time brake fade is sufficient to create a hazard. It must be recognized that all vehicle brakes, particularly if any of them are of the drum type, are subject to serious brake fade when the brakes are applied at high speeds. It is probable that even one severe application of the brakes at high speed will cause sufficient brake fade to make it impossible to make a normal stop for some time thereafter.

IX. Prohibited Practices

- A. Officers will not become involved in any way in an ongoing pursuit unless assigned or approved by a supervisor.
- B. The following practices are prohibited in any pursuit:
 - 1. Roadblocks other than tire deflation devices;
 - 2. Ramming;
 - 3. Forcing pursued vehicle off roadway;
 - 4. Pursuits against the flow of traffic; and
 - 5. Shooting at pursued vehicle unless the Department's Use of Force Directive authorizes deadly force.
- C. Marked and Unmarked Units
 - 1. Marked or unmarked units not rated or designed for pursuit shall not be used as pursuit vehicles. This does not preclude the unit from being used as a support unit that follows a vehicle if unsafe speeds or conditions are not involved until a pursuit-rated vehicle can initiate a pursuit.
 - 2. Unmarked units and marked units without overhead lights shall not become involved in pursuits unless there are compelling and articulable reasons why a violator must be apprehended and there is not a fully marked unit close enough to initiate the traffic stop.
 - 3. Any unmarked units that may become involved in a pursuit will cease pursuit whenever a marked unit and backup unit join the pursuit.
 - 4. An unmarked unit may go to the location of the pursuit termination, driving legally, to assist as needed.

- D. In pursuing motorcycles, safety of the pursuing vehicle, as well as the pursued, will be of prime importance. Officers shall not attempt to pursue motorcycles off the streets, alleys, or highways. Drivers of pursuit vehicles must always be aware that the rider of a pursued motorcycle may fall from the motorcycle with the pursuing vehicle presenting a serious hazard.
- E. Most pursuits by police officers are initiated because of traffic violations. These violators, if apprehended, often receive minor penalties. Therefore, there is no justification for endangering human life, or even property, merely to apprehend a traffic violator. Officers of the Tom Bean Police Department will not engage in motor vehicle pursuits based solely on any traffic offense or Class C misdemeanor, with the exception that the operator of a vehicle suspected of DUI or DWI may be pursued consistent with the Use of Force Directive.

X. Inter-Jurisdictional Pursuits

- A. The Tom Bean Police Department has entered into an inter-jurisdictional pursuit agreement with several other area law enforcement agencies. This agreement provides regulations and guidelines to be followed when either a pursuit begins in Tom Bean and leaves our city limits or another agency pursues a violator into Tom Bean. This inter-jurisdictional pursuit agreement is to be adhered to by all officers.
- B. Pursuits Originated by Other Agencies
 1. Since it is almost impossible to know all circumstances surrounding another agency's decision to pursue, or the charges pending against the pursued driver in the short period of time we are notified of the pursuit, Tom Bean units will assume a backup role in pursuits conducted through our jurisdiction by other law enforcement agencies.
 2. Pursuits by other agencies through our jurisdiction terminate for Tom Bean Officers at the city limits, unless specifically authorized by a supervisor to proceed outside of our jurisdiction.
 3. If another agency specifically requests our assistance in their pursuit, the officer should attempt to get all of the known information and charges pending against the driver from the communications operator in advance.
 4. Once a supervisor is informed of the specific charges by the officer or communications operator, an immediate decision shall be made by the supervisor on the continuation of the pursuit by Tom Bean units outside our jurisdiction. In any event, as other jurisdictions join the pursuit to assist the originating agency, Tom Bean units shall cease their participation and return to the city to resume their normal patrol duties.

XI. Post Pursuit Reporting

- A. Required Reports

1. An incident report will be created to document each pursuit not resulting in another report, such as an arrest or offense report. It will be the responsibility of the primary pursuit unit to complete this report.
2. A Vehicular Pursuit Cover Report shall be completed by the designated Control Supervisor and attached to all appropriate reports whenever a pursuit is initiated or involves Tom Bean police units, and regardless of whether an arrest was made.
 - a) One Vehicular Pursuit Cover Report shall be completed per pursuit.
 - b) If more than one officer is involved in a pursuit, each officer's name shall appear in the report.
3. Supplemental reports shall be completed by all officers involved in the incident, documenting their actions and observations.

B. Required Information

1. Information required in the appropriate reports includes, but is not limited to, the following:
 - a) Incident characteristics
 - (1) Date and day of week;
 - (2) Time of day and degree of daylight;
 - (3) Location initiated and terminated;
 - (4) Nature of the area (i.e. residential, commercial, highway);
 - (5) Duration of pursuit;
 - (6) Travel and road conditions; and
 - (7) Speed(s) and speed limit(s).
 - b) Outcomes of pursuit
 - (1) Terminating event such as arrest, escape or accident;
 - (2) If tire deflation equipment was deployed, this must be documented in the post pursuit report. The effectiveness of the equipment, deployment locations and deploying officer information must be included;
 - (3) Charges filed, traffic and criminal;

- (4) Accident results, if applicable (vehicle or property damage, personal injuries, fatalities); and
- (5) Third parties affected and how.

C. Review and Submission of Reports

1. The designated Control Supervisor will review all appropriate reports to ensure the adequacy and accuracy of the information.
2. In completing the Vehicular Pursuit Cover Report, the supervisor shall review the pursuit, tactics used and application of Department policy concerning the pursuit.
3. At a minimum, the review shall contain copies of related reports, radio tapes, and video footage.
4. The Vehicular Pursuit Cover Report and all accompanying documentation shall be submitted for review to the division supervisor.
5. All pursuit reports shall be filed and maintained by the Administrative Unit.

XII. Training Regarding Pursuits

- A. The Department will provide training in pursuit driving to all recruit officers during initial field training. Refresher training will be provided to officers during scheduled in-service training periods, or more often if needed because of changes in law or policy, or if some incident indicates a need for training.

Tom Bean Police Department

Administrative Directive

Number: 103.020	Effective Date: ??/??/????
Subject: Family Violence	Revision Date:
Affected Personnel: All Personnel	Amends/Supersedes:
Reference:	

I. Policy

It is the intent of this Department to prescribe courses of action that police officers should take in response to family violence that will enforce the law while also serving to intervene and prevent future incidents of violence.

II. Definitions

Dating Violence – An act by an individual that is against another individual with whom that person has or has had a dating relationship and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.

Dating Relationship – A relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the nature of the relationship, and the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship".

Family – Individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

Family Violence – An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household, or dating violence, as that term is defined by Section 71.0021.

Household – A unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.

Member of a Household – A person who has previously lived in a household.

III. Response Procedures

A. On-Scene Investigation

1. When responding to a family violence call, officers shall:
 - a) Restore order by gaining control of the situation;
 - b) Take control of all weapons used or threatened to be used in the crime;
 - c) Assess the need for medical attention and call for medical assistance if indicated;
 - d) Interview all parties;
 - e) Collect and record evidence and, where appropriate, take color photographs of injuries and property damage;
 - f) Complete appropriate crime or incident reports necessary to fully document the officer's response, whether or not a crime was committed or an arrest made; and
 - g) If the offender has left the scene and a crime has been committed, the officer shall:
 - (1) Search the immediate area if potentially worthwhile;
 - (2) Obtain information from victims and witness as to where the offender might be; and
 - (3) Seek an arrest warrant, if immediate arrest is warranted.

B. Arrest

1. Officers should make an arrest when probable cause and legal authority exist to do so. Field release and issuance of a citation are not permitted in family violence cases when grounds for an arrest are present.
 - a) Probable cause shall be based on the following criteria:
 - (1) Evidence is visible and apparent;
 - (2) The victim's report is supported by statements of participants or witnesses; or,
 - (3) The evidence and information indicate a particular party was capable and had the opportunity to commit the offense.

- b) If an arrest is not made when probable cause exists, officers shall fully explain the basis for their decision not to make an arrest.
- c) The officers should emphasize to the victim and the offender that the State and not the victim is initiating the criminal action.

C. Victim Assistance

1. Many victims of family violence feel trapped in violent relationships because they are unaware that resources are available to help them. Also, the offenders may have threatened further violence if the victim attempts to leave or seek assistance. Therefore, officers are required to provide the following assistance to victims, batterers and, where appropriate, the children of these individuals:
 - a) Advise all parties about the criminal nature of family violence, its potential for escalation, and that help is available. Suggest what to do if the suspect, or the suspect's companions or family, threatens or otherwise intimidates him or her;
 - b) Secure medical treatment for victims;
 - c) Ensure the safety of the children;
 - d) Remain on the scene until satisfied that there is no threat to the victim;
 - e) Remain on the scene to preserve peace if one person needs to remove personal property necessary for departure. This does not include joint property;
 - f) Provide the victim with referral information for legal or social assistance and support, to include:
 - (1) Case number and subsequent steps in processing the case;
 - (2) The Tom Bean Police Department phone number where additional case information can be directed or obtained; and
 - (3) The Grayson County Crisis Center for shelter, support and consultation;
 - g) Where necessary, transport the victim to an available shelter or suitable alternative safe haven; and
 - h) If children need to be removed from the home, contact a supervisor.

Tom Bean Police Department

Administrative Directive

Number: 103.021	Effective Date: ??/??/????
Subject: Preliminary Investigations	Revision Date:
Affected Personnel: All Personnel	Amends/Supersedes:
Reference:	

I. Policy

It is the policy of the Tom Bean Police Department to conduct preliminary investigations as completely and thoroughly as possible, to take into account all aspects of the incident regardless of its nature and to ensure that all facts bearing on the situation are accurately recorded.

II. Responsibilities

A. Patrol officers will be responsible for conducting preliminary investigations of all criminal offenses assigned to them. The Patrol Sergeant, assisted by the Chief of Police will be responsible for all follow-up criminal investigations.

1. If a major crime or a fatality collision has occurred and involves the prompt collection and preservation of physical evidence, the Grayson County Sheriff's Office, or the Texas Department of Public Safety may be summoned to assist with the investigation.

III. First Officer on the Scene

A. The preliminary investigation begins when the first police officer arrives at the scene and continues until a postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation. Whenever possible, one officer shall assume the role of primary officer and shall be responsible for signing all citations and reports, conducting required tests and performing all functions at the scene which may require testimony at a later trial or hearing. While circumstances of each incident will determine which activities will be required, preliminary investigation of reported criminal offenses shall be initially assigned to a patrol officer, who shall complete as many of the investigative steps described below as may be necessary:

1. Provide aid to the injured, observe all conditions, events and remarks;
2. Protect the crime scene to ensure that evidence is not lost or contaminated;
3. Limit access to only necessary police and investigative personnel;
4. Maintain a log of every person who enters the crime scene prior to the arrival of investigative personnel;

5. Utilize crime scene tape to designate as large an area as is reasonably necessary for preservation of evidence;
6. Determine whether an offense has actually been committed, and if so, the exact nature of the offense and circumstances in detail;
7. Determine the identity of the suspect(s) and effect an arrest if it can be accomplished either at the scene or through immediate pursuit;
8. Broadcast descriptions, method and direction of travel, and other relevant information concerning wanted persons or vehicles;
9. Obtain complete identification of any victim(s), known witnesses, and, if a serious crime scene, persons present at the time of commission;
10. Determine what information is known by victim(s), witnesses and suspects through preliminary interviews;
11. Arrange for collection of evidence and crime scene processing;
12. Make appropriate notifications of investigative personnel, supervisors or other support personnel as needed or required;
13. Accurately and completely record all pertinent information and facts concerning the offense on prescribed report forms and brief the investigator who must assume the follow-up investigation if a report or follow-up investigation is required.

IV. Supervisor Notification

- A. For follow-up investigations of crimes, the Patrol Sergeant and / or Chief of Police shall be notified and may respond to the following types of incidents:
 1. Felony crimes against persons;
 2. Felony property crimes;
 3. Thefts involving large amount of cash and/or property;
 4. Motor vehicle fatalities;
 5. All deaths with the exception of attended natural deaths;
 6. When the demand for patrol services exceed the available manpower, thus limiting the time required to conduct an effective preliminary investigation of crimes that will require a follow-up investigation; or,
 7. Any incident requiring a follow-up investigation as determined by a supervisor.

- B. The patrol officer is responsible for initiating the Patrol Sergeant or Chief of Police notification.
- C. The Chief of Police or designee will provide Communications with a list of on-call personnel for notifications after normal duty hours.
- D. After the arrival of the Patrol Sergeant or Chief of Police, the patrol officer shall maintain the responsibility of assisting with the follow-up investigation of the crime scene.
 - 1. When the demand for service exceeds the available manpower and the patrol officer is needed for response to crimes in progress, or life-threatening situations, the Patrol Sergeant or Chief of Police may relieve the patrol officer of the above responsibility.

V. Patrol Sergeant's Responsibilities

- A. The Patrol Sergeant shall respond to all major crimes and incidents to provide assistance to officers under his / her supervision through instructional guidance and direction.
- B. The Patrol Sergeant shall ensure that an adequate and complete preliminary investigation has been made and reviewed and either approved, by signing, or return for correction all reports prepared by officers under their supervision.

VI. Victim/Witness Assistance During Preliminary and Follow-up Investigations

- A. During the preliminary investigation the investigating officers shall provide the appropriate victim/witness assistance, to include at a minimum:
 - 1. Giving information to the victim/witness about applicable services, e.g., counseling, medical attention, compensation programs or emergency financial assistance, and victim advocacy;
 - 2. Advising the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him or her;
 - 3. Informing victim/witness about the case number, if known by the Department, and subsequent steps in the processing of the case;
 - 4. Providing a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case; and
 - 5. If assistance is needed with victim/witness rights, the investigating officer may contact the appropriate organizations.

- B. During the follow-up investigation, if any, the Patrol Sergeant or Chief of Police shall provide appropriate victim/witness services to include, at a minimum:
1. Re-contacting the victim/witness periodically to determine whether needs are being met, if in the opinion of the investigator, the impact of a crime on a victim/witness has been unusually severe and has triggered above-average need for victim/witness assistance.
 2. If not an endangerment to the successful prosecution of the case, the investigator should explain to the victim/witness the procedures involved in the prosecution of their cases, as well as, their role in those procedures.
 3. If feasible, the Patrol Sergeant or Chief of Police should schedule interviews and other required appearances at the convenience of the victim/witness. This type of assistance may vary from case to case and will depend largely upon the physical, emotional and financial state of the victim/witness. If necessary, the Department will provide transportation for the victim/witness.
 4. When a case has been officially disposed of, the Property Custodian will be responsible for the prompt return of the victim/witness property taken as evidence, except for contraband, disputed property and weapons used in the course of a crime, where permitted by law or rules of evidence if feasible

C. Sexual assault pseudonyms

1. Victims of sexual assault shall be given the option to use a pseudonym.
2. If the victim wishes to use a pseudonym, the reporting officer shall assist the victim with the completion of the Pseudonym for Sexual Assault Survivors form. The victim shall be allowed to choose the pseudonym name.
3. After the form has been completed, the reporting officer shall use the pseudonym name in the report as the name of the victim. The victim's true name shall not be used anywhere in the report. The victim's true information shall be used to complete the rest of the identifying information required for the report.
4. The officer shall notify the patrol supervisor to enter the pseudonym information on the electronic pseudonym tracking form.
5. The supervisor shall enter the OCA number, the true name, and the pseudonym name on the electronic pseudonym tracking form which is available through the computer network on the shared drive.

VII. School Notifications

- A. If a person is arrested or a juvenile is referred to juvenile probation for an offense listed in Article 15.27 of the Texas Code of Criminal Procedure and the investigating officer believes the person or juvenile is enrolled in a public primary or secondary school, the officer shall notify the Patrol Sergeant or Chief of Police so that the school can be notified.
- B. The officer shall notify the Patrol Sergeant or Chief of Police of the arrest or referral via e-mail.
- C. The Patrol Sergeant or Chief of Police shall orally notify the superintendent or designee in the school district in which the student is enrolled within 24 hours after the arrest or referral is made, or on the next school day.
- D. The Patrol Sergeant or Chief of Police shall mail written notification, marked "PERSONAL and CONFIDENTIAL" on the mailing envelope, to the superintendent or designee within 7 days after the oral notification.
- E. Both the oral and written notice shall contain sufficient details of the arrest or the referral and the acts allegedly committed by the student to enable the superintendent or designee to determine whether there is a reasonable belief that the student has engaged in conduct contained in Article 15.27 of the Code of Criminal Procedure.

Tom Bean Police Department

Administrative Directive

Number: 103.022	Effective Date: ??/??/????
Subject: Fiscal Management	Revision Date:
Affected Personnel: All Personnel	Amends/Supersedes:
Reference:	

I. Policy

- A. Fiscal management is intended to prevent budget discrepancies and to make sure that the projected flow of funds is proceeding as planned. This process also controls the purchasing process in order to make it more effective and efficient.

II. Budget Report

- A. The City of Tom Bean Finance Department prepares a detailed budget report of the Department's daily fiscal activities, which includes the initial balance, credits, debits, and the balance on hand. The report is prepared from daily reports provided by the Administrative Assistant.
- B. A monthly report is prepared providing a summary of agency fiscal activities.

III. Purchases

- A. The Chief of Police must approve all purchases.
- B. All purchases must be made with a purchase order unless otherwise authorized.
- C. Nominal purchases of \$25.00 or less may be handled through petty cash at the discretion of the City Secretary.
- D. All purchase orders must be approved and signed by the Mayor.
- E. Receipts, along with the purchase order if applicable, shall be submitted to the City Secretary for all purchases.

IV. Municipal Court Fines

- A. If an officer makes contact with a person who has outstanding warrants through the City of Tom Bean after normal business hours and the person has the money to pay the fine, the officer shall allow the person to pay the fine according to the following procedures:
 - 1. The officer shall contact his / her immediate supervisor and notify the supervisor of the situation;

2. The officer shall escort the person to the Tom Bean Police Department allowing the person to drive his or her vehicle with the officer following;
3. The officer shall collect the payment for the fine. Payment can be made in the form of checks, postal money orders or cash. Checks and money orders should be made payable to the City of Tom Bean;
4. Payments made by credit or debit card can be made online by having the individual visit www.trafficpayment.com;
5. The officer should supervise any online payments that are made, and confirm that the individual submits payment and receives a confirmation prior to releasing them from their sight;
6. Online payments generally should not be made from police department computer systems except where no other viable alternative exists. Payments should be made from the individual's own tablet, laptop computer or smartphone;
7. The officer shall provide a receipt to the person paying the fine from the receipt book located in the Patrol Unit work area. The citation number, offense report number or warrant number shall be listed on the receipt;
8. The officer shall secure a copy of the receipt and the money in an envelope. The envelope shall then be secured in an evidence locker; and
9. An email notification shall be sent to the Chief of Police notifying him / her of the collection along with the locker number the envelope has been placed in.
10. The Chief of Police will forward all such money / records to the Municipal Court on the next business day.

V. Records and Fingerprint Services Fees

- A. The designated records administrator will collect all fees for records and fingerprint services.
- B. All fees are collected in the exact amount of the fee only.
 1. In the absence of the records administrator, the City Secretary is authorized to receive the fees. During an extended absence of the records administrator, a designee shall be responsible for maintenance of the funds.
- C. The person accepting the fees shall provide a receipt for all money received for records and services. The permit number, offense report number, incident report number, or service shall be listed on the receipt.

- D. The person accepting the fees shall maintain all fees collected for all records and services in the cash box.
- E. The Records Administrator or a designee will prepare a deposit daily for the fees collected for permits and reports that will then be deposited in the appropriate account at a financial institution designated by the City of Tom Bean.

VI. Donations

- A. Donations accepted on behalf of the Department are deposited in a Special Equipment Fund that is maintained separately from the General Fund.
- B. The Special Equipment Fund shall be used for donations made exclusively for the use of the Police Department.
- C. This fund is maintained by the Chief of Police.
- D. The fund shall be audited quarterly by the City of Tom Bean Finance Department.

VII. Budget

- A. The Chief of Police is responsible for the development, submission, and management of the Department's budget.
- B. Supervisors should submit their annual budget requests to the Chief of Police in a timely manner to allow the Chief of Police ample time to prepare the annual budget.

VIII. Agency Owned Capital Assets

- A. The agency will annually perform an inventory of all capital assets, weapons, and critical equipment.

Tom Bean Police Department

Administrative Directive

Number: 103.025	Effective Date: ??/??/????
Subject: Property and Evidence Control	Revision Date:
Affected Personnel: All Personnel	Amends/Supersedes:
Reference:	

I. Policy

All property obtained by any means by the Department will be maintained and disposed of as directed by Departmental procedure and applicable law. These procedures related to the storage and maintenance of property have been developed to ensure that evidence in custody of the Department can be properly secured, stored, readily retrieved, and that any changes in custody have been properly and fully documented.

II. Definitions

Abandoned Property – Property that is unwanted by the owner and has been left discarded.

Chain of Custody – The continuity of the custody of physical evidence from time of original collection to final disposal that may be introduced into a judicial proceeding.

Found Property – Property that is deemed abandoned on public streets, rights of way, or private property. This property is usually recovered by the law enforcement agency or is turned over to the law enforcement agency by citizens.

Impounding Officer – The member of this Department who initially receives the evidence and initiates the chain of custody. The member may be a patrol officer, investigator, public service officer, etc.

Physical Evidence – Any substance or material found or recovered in connection with a criminal investigation.

Property Custodian – The Department member accountable for control and maintenance of all evidence and property accepted by or stored in the Department's property rooms.

Property Room – The room where evidence and property are stored.

III. Property Receipt and Control

A. All in-custody and evidentiary property obtained by employees into the Department's control shall be:

1. Logged into Department records as soon as possible;

2. Placed into an evidence locker so that the property will be under the control of the evidence and property control function before the impounding officer ends their tour of duty.
 3. Identified through the proper reports as to the circumstances by which the property came into Department possession.
 4. Accurately described and quantified; and
 5. Properly labeled and packaged for storage.
- B. Before placing any item of property into Department control, the impounding officer shall attempt to identify and notify the owner or custodian of the item for release in the field, unless the item is needed for or being held as evidence, or the nature of the property prohibits its release.
 - C. In all instances, the officer who seizes or takes initial custody of the property is responsible for ensuring that each item is properly packaged, marked, and inventoried on the appropriate Departmental reports; and that the items are delivered to the Property Custodian. The Property Custodian will not accept items that are not properly packaged, marked and inventoried.
 - D. A Property Report shall be completed for all items confiscated or retained by the Department. The completed form in its entirety is to be submitted, along with the item(s) of property, to the Property Custodian for storage in the Property Room, unless the item is too large for storage in the Property Room, or because of its nature cannot safely be stored in the main police building.
 - E. Each item of property submitted to the Property Custodian for storage or processing will be reviewed by the Property Custodian to ensure the item is properly packaged and that the item is individually accounted for on the accompanying Property Report. If the Property Custodian cannot account for the identity of each item submitted, the impounding officer will be notified in writing to correct the Property Report. A copy of the notification will also be forwarded to the employee's immediate supervisor.
 - F. The Property Custodian shall enter the property into the property records and those records will reflect the status of all property and evidence stored by the Department. It shall be the responsibility of the Property Custodian to ensure entry into property records for all property activity. Such activity includes, but is not limited to: initial entry and storage, transfer to lab, return from lab, transfer to alternate storage location, removal for inspection or photography or tape duplication, transfer to court, release to owner.

IV. The Property Room

A. Security

1. Only members of this Department authorized by the Chief of Police may enter the Property Room. These persons include:
 - a) The Chief of Police, or a designee of the Chief of Police, are the only persons who have access to the Property Room. Other Department members may enter the Property Room only when authorized personnel are present and accompany the member and such entry is made for a specific legitimate purpose.
 - b) Persons designated by the Chief of Police to conduct or assist in specific inspections or inventories, or to assist the Property Custodian. The Property Custodian must accompany these persons at all times while in the Property Room.
2. The Property Custodian shall maintain a log that identifies each person entering the Property Room, the date and time that they entered, and the date and time that they left the secure area.
3. Any employee who enters the Property Room without appropriate authorization is subject to disciplinary action. The Property Custodian shall send written notification of a violation of this Directive, through the chain of command, to the Chief of Police.

V. Inspections

- A. On a semi-annual basis, The Chief of Police or designee shall make a documented inspection of the Property Room, temporary storage areas, and the property and evidence procedures. A summary of the inspection that outlines specific areas inspected and any problems encountered will be documented in the form of a memorandum. The summary should provide suggestions for correcting problem areas, when appropriate.
- B. A designee appointed by the Chief of Police shall conduct an annual audit of property and evidence held by the Department. A memorandum summarizing the results of the inventory shall be forwarded to the Chief of Police.
- C. An inventory of all property and evidence shall be conducted anytime the person assigned responsibility for the property and evidence control function is replaced. The newly appointed custodian shall conduct the inventory jointly with a supervisor assigned by the Chief of Police for this purpose.

VI. Storage of Evidence Requiring Added Security

- A. The Property Custodian shall assign a storage location to each type of evidence and record this information.

- B. Evidence requiring added security including money, precious metals, jewelry, gemstones, firearms, narcotics and dangerous drugs shall be stored inside of the safe within the Property Room.
- C. Perishable items shall be stored in a secure refrigerated area, or other suitable container.
- D. Items that are considered bio-hazardous materials must be properly packaged before being stored in the Property Room. These items must be visibly marked with biohazard labels.

VII. Disposition of Property/Evidence

A. General Procedures

1. Methods of Disposal

- a) Release;
- b) Destruction;
- c) Auction or other City of Tom Bean use;
- d) Donation to charity; or
- e) Assumption for Departmental use.

2. Documentation of Disposal

- a) Regardless of the method of disposal, the Property Report for each item of property removed from inventory will be marked to indicate the date of disposal, the method of disposal, the individual taking custody of the item if other than the Property Custodian, and the persons authorizing disposal.

3. Control of Property Disposal

- a) The Property Custodian shall conduct on-going monthly reviews of property and evidence to determine if legal disposal of items in custody may be conducted. The Property Custodian is authorized to cause ongoing disposal of all items stored in the Property Function for a period of time over six months if the items are not being held as evidence.
- b) Ongoing immediate disposal of property is authorized for those items where common sense and good judgment indicate no legitimate reason to retain the articles. The disposal of such items shall be documented.

- c) Investigators and impounding officers will be periodically contacted by the Property Custodian to determine the status of specific items of evidentiary property being held.
- d) Investigations will advise the Property Custodian of all dispositions including closed or dismissed cases.

4. Found Property

- a) A Property Report must be completed. The impounding officer shall attempt to identify and notify the owner to take possession of the property unless the property is contraband. The owner taking possession of the property must sign the Property Report.
- b) If the owner cannot be contacted for release of the property in the field, the property shall be properly packaged and tagged by the impounding officer and submitted to the Property Custodian for storage.
- c) The Property Custodian shall forward written notice by registered mail to the owner's last known address, indicating that the property is in police custody and should be claimed within 30 days from the date impounded.
- d) After property of value has been held for 30 days without a claim of rightful possession, it shall be delivered to the City of Tom Bean for disposal by auction or donation to charity.

5. Recovered Property

- a) Authority to confiscate property believed stolen is found in the Code of Criminal Procedures, Art. 18.16. Preventing the Consequences of Theft.
- b) Property recovered as stolen, or which meets the above criteria, will be evaluated to determine whether it constitutes evidence and whether prosecution of a known offender is possible. This determination will be made by the impounding officer or supervisor.
- c) Stolen property that is not being held for evidentiary purposes will be released to its owner or custodian.
- d) In cases where the owner can not be determined and the property is not being used for evidence, it shall be treated as abandoned and, after holding for 30 days, will be forwarded to the City of Tom Bean for disposal.

6. Evidence

- a) All property seized and held as evidence will be retained in the custody of the Tom Bean Police Department until the case is disposed of and all appeals exhausted.

- b) Under no circumstances shall officers retain property or evidence.
- c) Investigators may temporarily store items in a designated lockable storage area during times that they are actively working the related case and there exists a need for immediate access to the items.
- d) The Property Custodian will identify property that may no longer need to be retained. The Property Custodian will bring this property to the attention of the investigating officer. The investigating officer will decide if the evidence or property should be retained or may be released from custody.
 - (1) When it is deemed appropriate to release evidence, the rightful owner, if he or she may be found, shall be notified by the Property Custodian. The Property Custodian shall complete a Property Report and release the property to its owner.
 - (2) If the property is of value and no rightful owner can be determined, the item(s) shall be treated as abandoned property.

7. Contraband and Weapons

- a) Under no circumstances will contraband or weapons be released for public auction. They shall be forfeited or destroyed pursuant to the Code of Criminal Procedures.

8. Items of Historical Value

- a) Occasionally, evidence may be recovered that has significant historical value. Such items may include rare weapons or other evidence. The Chief of Police shall make a final determination whether to destroy or hold these types of items.

9. Voluntary Release of Weapons and Ammunition

- a) The Department will, upon request of the owner, accept weapons or ammunition for destruction. Upon accepting custody of the weapon, the impounding officer shall complete a Property Report. The weapon must be checked for stolen. These weapons may be destroyed without a court order.

B. Field Release of Property

- 1. The general policy of the Department is to release property or evidence at the scene of an incident to the complainant or owner whenever practical. The intent is to avoid unnecessary waste of personnel time and to ensure the expedient return of property to its owner.

2. The below listed categories of property or evidence will be released in the field upon reasonable identification of the owner or complainant unless the articles are needed for further evidentiary processing. When an item related to an offense is released in the field to the owner or complainant, the release must be fully documented in the offense or incident report and a Property Report completed.
 - a) Property or evidence related to burglary and theft. If the property was stolen from a business and it is recovered by employees of the business, a Property Report does not need to be completed but the property must be photographed and documented in the offense report.
 - b) Recovered motor vehicles, unless the vehicle needs to be processed for fingerprints or other evidence.
 - c) Property or evidence related to municipal court offenses.
 - d) Alcoholic beverages
 - (1) Alcoholic beverages related to Public Intoxication or Minor in Possession should be left in the custody of a third person of legal age, with the offender's consent. If this is not possible, the alcoholic beverage should be destroyed.
 - (2) Alcoholic beverages related to DWI charges should be left in the suspect's vehicle and listed on the case report unless the DWI is related to a felony assault or homicide.
 - (3) Very large quantities of alcoholic beverages possessed or transported in violation of the Alcoholic Beverage Code may be seized.
 - e) Found property of very limited value such as old clothes, broken toys, etc. should be left in the field for disposal by the finder, unless the item is a safety hazard. If the item is a safety hazard, and the officer cannot remove the item, Communications should be notified to request the appropriate city department to remove the item.
3. The following items may not be released in the field and will be taken into police custody pending court order or release by the assigned investigator.
 - a) Illegal weapons
 - b) Narcotics/drugs
 - c) Instruments used in a crime of violence
 - d) Items requiring a forensic report,
 - e) Contraband,

- f) Forged or counterfeit instruments,
- g) Stolen credit cards,
- h) Items which would normally be released in the field, but can not be because the owner or complainant can not take possession, and
- i) Motorized vehicles that require further processing.

C. Withdrawal and Return of Property

1. At times it may be necessary for an officer to remove property from the property room for later return. These circumstances include court, viewing by possible owners, the prosecuting Attorney's office, transfer to lab for processing, etc. It is imperative that the chain of custody be maintained in these circumstances.
2. Any time an item of property or evidence is removed from the Property Room, the officer taking custody and the person releasing the item shall sign the chain of custody section of the Property Report.
3. In the event that the item is being released to another person, such as the prosecuting Attorney's office, lab, etc. the person taking custody from the releasing officer and the releasing officer shall sign the chain of custody section on the Property Report.

VIII. General Rules and Procedures for Submission

A. Marking and packaging of items

1. All property shall be properly marked and packaged by the impounding officer before placing it in a property locker.
2. If all of the property lockers are full, the Property Custodian shall be notified immediately so that the lockers can be emptied.
3. In the event the designated evidence lockers are full, or the size of the item prohibits use of the designated evidence lockers, the officer shall secure the item in the detached green storage building at the north end of the facility. The officer shall notify a supervisor for access to the building.
4. All loose or small items should be placed in a plastic bag, paper sack, or envelope specifically provided for this purpose. These items should be labeled with the incident number and the item number.
5. The Property Custodian shall check property submitted for compliance with procedures and to verify amounts and descriptions. If discrepancies are found, the impounding officer and the impounding officer's supervisor, will be notified. The impounding officer will be responsible for making appropriate corrections.

- B. There are certain items that require specific handling due to the nature of the item. These items are submitted in the following manner:
1. Firearms - The submitting officer unloads the weapon and makes a visual inspection to ensure the weapon is safe. The weapon and ammunition are placed in separate bags; however, the bag containing the ammunition may be placed inside the bag containing the weapon.
 2. Alcoholic Beverages - Open containers that cannot be sealed are emptied after the liquid level has been marked on the outside. A folded paper towel is placed in the container to prevent mold and mildew. Containers that can be sealed have the content level marked on the outside and then logged in the same as any other item.
 3. Drugs and Paraphernalia - All drugs are weighed and counted, if applicable, before being placed in a property bag. The count, if applicable, and weight, in grams, is noted in the offense report. When submitting an unknown type of drug, the officer performs a presumptive test using field test packets. The results of this test are noted in the offense or supplemental report. Each drug type is placed in a separate evidence bag. Drugs are logged in separately from paraphernalia and other evidence. If the submission of a hypodermic syringe is absolutely necessary, the needle shall be placed in a protective container. A biohazard notice shall be clearly posted on the bag.
 4. Perishable Items - When the owner is known; the items are released as soon as possible. If the owner is not known, the item is marked and placed in the refrigerator. The submitting officer makes the proper notation in the comments section of the Property Report.
 5. Bloodstained Items - The submitting officer uses caution and appropriate protective gear in handling bloodstained items due to the possibility of disease contamination. Bloodstained items are allowed to dry before being placed in paper sacks. Plastic bags are, not used for bloodstained items. Each paper sack bears the descriptions of items within the paper sack, the corresponding case number, and the name of the submitting officer. A biohazard notice is prominently displayed so that it is clearly visible on each paper bag containing bloodstained items.
 6. Drug Labs – Drug labs should be stored in the designated secured area of the detached storage facility due to the potentially volatile nature of chemicals used in drug labs. The submitting officer shall complete a Property Report and submit it to the Property Custodian. A copy of the Property Report shall be placed with the evidence. Every effort shall be made to transfer the drug lab to the North Texas Drug Task Force within 72 hours.
 7. Vehicles – Vehicles that are seized as evidence shall be stored in the detached storage facility due to their size. The submitting officer shall complete a Property Report and submit it to the Property Custodian. A copy of the Property Report shall be placed with the vehicle. A Vehicle Impoundment Record should also be completed. The vehicle shall be

surrounded with yellow warning tape and stored only long enough for processing.

DRAFT

Tom Bean Police Department

Administrative Directive

Number: 103.041	Effective Date: ??/??/????
Subject: Drugs, Organized Crime, and Vice	Revision Date:
Affected Personnel: All Personnel	Amends/Supersedes:
Reference:	

I. Policy

The Tom Bean Police Department is committed to the suppression of vice, drug, and organized crime within the community. This commitment will require the combined efforts of all sworn personnel. It is the responsibility of every officer to suppress vice, drug, and organized crime within our community by conspicuous patrol tactics, sharing of information, and rigid enforcement of criminal violations.

II. Definitions

Drug Offenses – Drug offenses include all activities related to illegal drugs but the primary focus is on the possession, manufacture, distribution or sale of illegal and controlled substances defined and prohibited by Chapter 481 of The Texas Health and Safety Code.

Organized Crime Offenses – Any criminal offense or series of criminal offenses being engaged in by persons acting as a combination, or as a member of a criminal street gang in the course of committing such offenses, as defined in Texas Penal Code 71.02. This also includes but is not limited to persons actively engaging in a criminal conspiracy as defined by Texas Penal Code 15.02.

Vice Offenses – Vice offenses include offenses defined by Chapters 43 & 47 of The Texas Penal Code, and certain provisions of The Texas Alcoholic Beverage Code.

Credibility Buy – The investigative purchase of an illegal substance or other contraband from a known or unknown suspect by a covert human intelligence source for the purpose of evaluating and determining their suitability for entry into the confidential informant program.

Controlled Buy – The investigative purchase of evidentiary material, stolen property, illegal substances, or other contraband material from a known or unknown suspect by a confidential informant who is acting under the supervision and monitoring of an informant manager.

Controlled Delivery – The investigative delivery of evidentiary material, stolen property, illegal substances, or other contraband material to a known or unknown suspect by a confidential informant who is acting under the supervision and monitoring of an informant manager.

Knock & Talk – A voluntary, non-custodial field interview of a person or persons suspected of engaging in illegal activities at an identified, specific location that has been identified through anonymous tips, or preliminary observations / investigation.

Street Level – An activity occurring in an open area in full or partial public view from a city street.

Enforcement Operation – Any investigative activity where an arrest occurs or is anticipated.

Buy-Bust – An enforcement operation targeted specifically on an individual or group of individuals actively engaging in illicit activities at street level. A buy bust is conducted immediately following the investigative purchase of evidentiary material, stolen property, controlled substances, or other contraband material.

Rapid Deployment (Jump Out / Bail Out) – A surveillance-based enforcement operation targeted specifically on an individual or group of individuals actively engaging in the criminal activity at the street level. A rapid deployment is conducted after surveillance confirms an on-view offense.

Refuse Examination (Trash Pulls) – The seizure of discarded refuse or “trash” deemed as “abandoned property” from an identified, specific location that is the subject of an investigation for the purposes of intelligence gathering, or evidence collection.

Surveillance – The monitoring, observing, listening to persons, their movements, their conversations or their other activities or recording anything monitored, observed or listened to in the course of same by or with the assistance of any surveillance device or specialized equipment.

Clandestine Laboratory - An illicit operation consisting of a sufficient combination of apparatus and chemicals that either has been or could be used in the manufacture or synthesis of controlled substances.

Personal Protective Equipment (PPE) – Specialized clothing or equipment worn by employees for protection against health and safety hazards. Personal protective equipment is designed to protect many parts of the body including eyes, head, face, nose, hands, feet, and ears.

III. Responsibilities and Functions

- A. The Chief of Police directs the daily operations of vice, drug, and organized crime investigations.
- B. The Patrol Sergeant maintains and controls all records, reports, and intelligence files relating to vice, drug, and organized crime activities in a secure and confidential manner separately from the central records system. Access to these intelligence files is limited to designated personnel and the Chief of Police.

IV. Vice, Drug, and Organized Crime Information

- A. Officers, upon taking a complaint or being made aware of any activity that is considered to be vice, drug and organized crime activity may initiate a preliminary investigation with supervisory approval. Such preliminary investigation is primarily for the purpose of obtaining information to confirm the need for subsequent formal investigation. Nothing in the following procedures prevents the immediate response or investigation of “on view” offenses or felony offenses reported as being currently in progress.
- B. All officers of the Department, upon taking a complaint or upon being made aware of any activity, which could be considered as vice, drug, and organized crime activity will document the information on a Criminal Activity Intelligence Report, which should be forwarded to the Patrol Sergeant.
- C. These reports shall not be made available to media personnel or other Department personnel who cannot demonstrate the need to have knowledge of the information.
- D. The Patrol Sergeant, or a designee, shall review the information and make a determination as to whether an investigation is conducted. This determination is made upon consideration of the violation if any, available manpower, the presence of leads, the potential for successful prosecution, the availability of funds or equipment needed to investigate the activity, the nature of the complaint, and any other significant factors.
 - 1. The information should then be forwarded for inclusion into the intelligence file regardless of whether an investigation is initiated.
 - 2. The Patrol Sergeant will maintain a copy of all information received from an outside agency or forwarded to an outside agency. This information should be placed in the intelligence file.
 - 3. Whenever information kept in the intelligence file is deemed to be of no investigative use, it may be purged in accordance with established records retention laws.
- E. Vice, drug, and organized crimes investigations shall comply with Departmental criminal investigation procedures to:
 - 1. Investigate all tangible leads to determine if there is verifiable criminal activity;
 - 2. Identify all suspects involved in the criminal activity; and
 - 3. Pursue all suspects for arrest and presentation for prosecution.

F. The assigned officer should document investigative efforts pursuant to a specific target suspect or identified location. The following are some of the approved methods for the development of intelligence / building of a criminal case rooted in preliminary tips and information:

1. Surveillance;
2. Knock & talks;
3. Traffic stops;
4. Consensual encounters;
5. Official interviews or interrogations;
6. Refuse examinations;
7. Rapid deployments;
8. Controlled buys / deliveries; and
9. Buy-busts

G. The assigned officer shall complete a Criminal Activity Intelligence Report Follow Up to document investigative efforts.

H. Should the investigation fail to confirm criminal activity, yet continues to support reasonable suspicion that criminal activity is present, all information is placed into the intelligence files pending receipt of additional information.

I. Should the investigation fail to confirm criminal activity and no reasonable suspicion that criminal activity is present, all obtained information, records, notes, and reports may be destroyed.

II. Criminal Street Gangs

A. The State of Texas classifies criminal street gang activity as organized crime

B. Officers who make contact with a known or possible gang member shall document the information on the designated state form that shall be forwarded to the Investigations Captain for review.

C. Upon review, the Investigations Captain will forward the form to the person designated to enter the data into the state database.

D. All files pertaining to gang members, juveniles and adults, will be purged in accordance with state law.

V. Clandestine Laboratories

- A. Personnel assigned to investigate drugs, organized crime, and vice may also be responsible for the investigation of clandestine laboratory crime scenes.
- B. Because of the dangerous and volatile nature of clandestine laboratories, these personnel should be specially trained and certified to assess and handle any known or suspected clandestine laboratory.
- C. Only sworn personnel who have received a minimum of 40 hours of instruction and training on the investigation and handling of clandestine laboratories shall be permitted to process any clandestine laboratory or laboratory equipment that is identified or discovered through the process of investigation or field contact.
- D. In situations where lab certified personnel from this agency are not available, other resources should be utilized such as Grayson County Sheriff's Office, Texas DPS, or Drug Enforcement Administration (DEA).
- E. The determination on what type and level of protective equipment will be needed to safely evaluate and assess the scene shall rest with personnel assigned, trained, and certified to make such a determination. In the preliminary stages, the initial officer on scene shall interview and collect information from any known persons, involved parties or officers present at that time, to determine whether additional lab certified personnel / equipment are needed on scene.
- F. EMS and Fire personnel may be alerted and placed on standby at the scene of any clandestine laboratory for potential fire, rescue, emergency medical, or decontamination procedures.
- G. Should the vapors or toxic fumes at a clandestine laboratory prove to be particularly volatile or pose an immediate risk to residents in the surrounding area, every precaution should be taken to ensure residents are notified and safely evacuated to prevent additional contamination or harm. Any personnel, or residents found or believed to have been exposed to a contaminate should be decontaminated in accordance with appropriate procedures, and evaluated by emergency medical personnel to determine whether or not medical treatment is needed or required.
- H. When a clandestine laboratory situation requires the utilization of self-contained breathing apparatus (SCBA), this equipment should be obtained from the fire department, or another external resource such as DEA or Texas DPS.
- I. Hazardous materials created or present as the result of a clandestine laboratory should be handled in accordance with established regulations concerning same.
- J. In cases where a residence or other structure may no longer be deemed suitable for habitation due to residual contamination, the County Fire Marshal or the investigating officer shall be responsible for the posting of any notices and / or making any condemnation of a particular residence or other structure.

VI. Surveillance Methods & Procedure

- A. There are two different types of surveillance:
 - 1. General surveillance (not directed at an individual)
 - 2. Covert surveillance (directed / exploratory)
- B. General surveillance conducted by the department is done overtly – there is nothing secretive, stealth-like, or hidden about it. In most cases, personnel conducting general surveillance will be operating in a similar manner as a member of the general public, and / or will be going about department business openly (e.g. a uniformed patrol officer on a city street in a marked vehicle).
- C. Covert surveillance is carried out in a manner that is calculated to ensure that the persons who are subject to surveillance are unaware that it is or may be taking place.
 - 1. Surveillance is considered “directed” if it is undertaken for the purpose of a specific investigation or specific operation in such a manner as is likely to result in the obtaining of private information about a person (whether or not that person is specifically targeted for purposes of an investigation), and is covert.
 - 2. Surveillance is considered “exploratory” if it is covert, and is carried out in relation to anything taking place on any residential premises or in any private vehicle, and involves the presence of an individual on the premises, in the vehicle, or is carried out by a surveillance device in the premises / vehicle, cameras, tape recorders etc.
 - 3. Surveillance carried out in relation to residential premises by use of a device (i.e. a camera) which is not in or on the premises is not “exploratory” (although it will be directed) unless the same quality of information being obtained is as if the equipment was in the premises / vehicle.
- D. The Chief of Police should be made aware of any covert surveillance being conducted by sworn personnel as soon as reasonable / possible.

VII. Investigative Funds

- A. Funds shall be procured to support the operation of these types of investigations. These funds can be used for the paying of informants or purchasing contraband for evidentiary purposes.
- B. The funds shall be acquired from the City Secretary along with a disbursement log that identifies the initial balance, credits, debits, and balance on hand.

- C. Any credits or cash received for the fund shall be documented on the disbursement log.
- D. Officers that need monies from the investigative fund shall submit a request to the Chief of Police and provide detailed information as to why the funds are needed.
- E. Disbursement of the funds shall be recorded in the disbursement log with the following information:
 - 1. Date;
 - 2. Case number, if any;
 - 3. Amount and purpose of payment;
 - 4. Officer's name;
 - 5. Informant's name or code;
 - 6. Information or material purchased; and
 - 7. Subsequent law enforcement action, if any, or the associated CAD number;
- F. Funds will be given to officers when necessary for operations and a receipt is signed.
- G. The Chief of Police will be responsible for the maintenance of the fund including credits or disbursements.
 - 1. The Disbursement Log will be audited annually by the Chief of Police or his designee.
 - 2. In the event that circumstances arise that warrant the need of additional funds, the Chief of Police shall request the funds. Upon approval of the request, the Chief of Police will obtain the funding through the City of Tom Bean Finance Department via an emergency purchase request.

VIII. Controlled Buy Procedures

- A. An officer deploying the services of a confidential informant shall conduct a physical search of the subject's person and /or vehicle prior to and immediately after conducting any controlled buy so as to ensure credibility and integrity of the controlled buy operation and the subject's credibility.
- B. An officer will be responsible for the collection of information and evidence from, as well as the issuance of funds, reimbursement of expenses, and payment for services to an individually assigned confidential informant.

- C. An Officer who is conducting a controlled buy shall document the activity using the appropriate form, and as necessary complete an offense or intelligence report detailing operational events.

IX. Dissemination and Confidentiality of Information

- A. Information regarding such investigations and all copies of reports and other work products is limited to review by the officer assigned to the investigation, the Patrol Sergeant, the Chief of Police or personnel authorized by the Patrol Sergeant or the Chief of Police after the need to have knowledge of the information has been demonstrated.
- B. Information received that the Patrol Sergeant or the Chief of Police determines as necessary for patrol functions is disseminated to sworn personnel in the most reasonable confidential manner. Officers are encouraged to record the disseminated information in their own personal notes for use during their patrol function. Officers shall refrain from releasing any of the confidential information and keep their recordings secure from unauthorized review.
- C. During the course of an investigation, officers prepare and retain preliminary case preparation notes or research information. Because of the confidential nature of the information, the following procedures shall be in effect:
 - 1. All personnel shall insure that any confidential information in their possession is secure at all times. Such confidential information shall remain in the officer's personal possession or be stored in a locked filing cabinet.
- D. Under no circumstances shall any information contained in intelligence files or copies of intelligence files be removed from the police department without the permission of the Chief of Police.
- E. Information regarding such investigations may be disseminated to other law enforcement agencies when such information relates to criminal activity within the other law enforcement agency's jurisdiction or when such release of information is done for the safety of other officers or potential victims. Such dissemination is the responsibility of the assigned officer and is subject to the approval of the Patrol Sergeant or the Chief of Police.
- F. Officers of this Department shall not collect or disseminate information pertaining to any group or individual or the activities of any group or individuals that does not indicate possible criminal activity on the part of the group or individual or relates to activities presenting a threat to the community.

Tom Bean Police Department

Administrative Directive

Number: 103.044	Effective Date: ??/??/????
Subject: Interviews, Detentions, and Arrests	Revision Date:
Affected Personnel: Sworn Personnel	Amends/Supersedes:
Reference:	

I. Policy

The non-consensual interruption of a person's right to freely move about is viewed as a very significant challenge to his or her Constitutional rights. Officers of this Department will ensure that the stopping or detaining of anyone is based upon solid legal principles that conform to their training in arrest, search, and seizure. Any other motivation for such actions is strictly prohibited.

II. Types of Resident Contacts

A. Officers dealing with persons must be aware of the type of contact in which they are engaged, and its legal significance. There are three types of duty-related contacts with persons made by police officers. In terms of legal significance, they are arranged from least to most intrusive as follows:

- a) Interviews;
- b) Detentions; and
- c) Arrests.

III. Explanations to Persons

1. Officers shall act with as much restraint and courtesy toward persons interviewed, detained, or arrested as is possible under the circumstances.
2. The initiating officer shall explain the reason for the contact and, when practical, the purpose of anticipated police action.
3. Officers shall identify themselves when they initiate a duty-related contact with a person.

IV. Interviews

- A. Officers are encouraged to initiate interviews with residents of the community in order to gain more thorough knowledge and become an integral part of their beats and the community.
- B. Police officers may talk to a person at anytime, for any reason, as part of their performance of duty.

- C. An interview should be conversational and not confrontational.
 - D. An interview is not a detention or arrest. There is no intent to inhibit any of the freedoms of a person. The person has the right to:
 - 1. Fail to respond to the officer;
 - 2. Refuse to identify himself or herself; and
 - 3. Walk away from the officer.
 - E. Negative inferences will not be made based on a person's refusal to cooperate in the interview.
 - F. Photographs of a person will not be taken during an interview without permission.
- V. Detentions
- A. Detentions are considered to be seizures under the Fourth Amendment. An officer may stop and question a person when the officer has reasonable suspicion that the person may be involved in past, present, or future criminal activity. Reasonable suspicion is less than the probable cause needed for an arrest or search.
 - B. Before officers stop a person for questioning, they must be aware of specific suspicious conduct or circumstances justifying that stop. Factors might include, but are not limited to:
 - 1. Evasive or furtive movements;
 - 2. Similarities in appearance to a wanted person;
 - 3. A known felony record;
 - 4. Actions, clothing, vehicle, or presence is unusual at the time or place; or
 - 5. Observations or information received which links a person to criminal activity.
 - C. Officers will not stop persons for the sole purpose of determining immigration status.
 - D. Officers should rely on their training and experience and must be able to articulate a reasonable suspicion for an investigative stop.
 - E. Officers executing a lawful stop should be aware that if the person flees, he or she is "evading detention," which is at least a Class B misdemeanor under the provisions of the Texas Penal Code, Section 38.04.

F. Officers may detain persons they lawfully stop for a reasonable length of time in an attempt to:

1. Verify their identification;
 - a) Officers should be familiar with Penal Code Section 38.02. Persons are not required to identify themselves unless they are under arrest; however, if they are legally detained and choose to identify themselves, they must do so accurately.
2. Account for their conduct;
3. Account for their presence;
4. Discover whether a crime occurred; or
5. Determine person's involvement.

G. An officer shall release a person from an investigative stop if:

1. The person eliminates the officer's reasonable suspicion of criminal involvement; or
2. The officer fails to develop the probable cause necessary to arrest within a reasonable time.

VI. Arrests

- A. To arrest, there must exist facts or circumstances that would lead a reasonable, cautious, and prudent person to believe a crime has been committed. This is most frequently called "probable cause."
- B. A person is arrested when he or she has been placed under restraint or physically taken into custody.
- C. Officers will comply with Department policy regarding arrest procedures.

VII. Field Interviews, Non-Custodial Statements, and Custodial Statements

A. Guidelines

1. Officers need not inform a subject of his or her Miranda rights if the interview remains brief, casual, relatively neutral, and non-coercive. Oral statements and confessions made in non-custodial interviews, where the subject is free to leave, are admissible if the statement is given voluntarily and not as a result of coercion, threats, or promises of any kind.
 - a) Custody can be construed as actual or constructive; therefore, it is incumbent upon the officer to be conscious of the subject's belief

about whether or not he or she is free to leave. Ordinarily, an officer will allow a subject to leave after taking the non-custodial statement or confession. A warrant can be obtained at a later time to take the subject into custody.

- b) However, there may be situations where information is disclosed that change the complexion of the interview to a custodial interrogation where the subject becomes the focus of the investigation and the facts and circumstances of the case dictate that he or she is no longer free to leave.
2. When questioning begins to focus on the person stopped, becoming an accusatory interrogation regarding a specific offense, the officer will inform the subject of his or her Miranda rights and the remainder of the interview will be conducted as a custodial interrogation.
 - a) Generally when the officer begins accusatory questioning, the subject would not be allowed to leave. In other words, the suspect would be under arrest, thereby making the suspect's questioning "custodial."
 3. Personnel should attempt to ensure the person acknowledges he or she has been advised of the Miranda rights by:
 - a) Having the person sign the Miranda card. Officer safety should not be compromised during the field interview or interrogation in order to accomplish this;
 - b) Utilizing the Miranda Card or other means, such as a printed form, videotape, or audiotape, to document the person's acknowledgement; and
 - c) Documenting this process in its entirety within the incident report.
 4. Once the subject requests to speak with an attorney or indicates a desire for legal representation, the interview or interrogation will be discontinued at that point. The subject should then be allowed to contact his or her attorney. If the subject requests to continue the interview or interrogation after requesting legal representation, the Miranda rights will be administered again.
 5. Any statements made will be suppressed, as will any evidence that is discovered because of the statements, if the subject is not given his or her Miranda rights before questioning.

B. Electronically recorded statements

1. No oral or sign language statement of an accused made as a result of custodial interrogation shall be admissible against the accused in a criminal proceeding unless:

- a) An electronic recording, which may include videotape or other visual recording, is made of the statement;
 - b) Prior to the statement but during the recording the accused is given the Miranda warning and the accused knowingly, intelligently, and voluntarily waives any rights set out in the warning;
 - c) The recording device was capable of making an accurate recording, the operator was competent, and the recording is accurate, and has not been altered;
 - d) All voices on the recording are identified; and
 - e) Not later than the 20th day before the date of the proceeding, the attorney representing the defendant is provided with a true, complete, and accurate copy of all recordings of the defendant made under this section.
2. Every electronic recording of any statement made by an accused during a custodial interrogation must be preserved until the defendant's conviction for any offense related to the statement is final, all direct appeals are exhausted, or the prosecution of such offenses is barred by law.
 3. However, an oral or sign language statement that is not electronically recorded may be admissible if it contains assertions of facts or circumstances that are found to be true and establish the guilt of the accused, such as the finding of secreted or stolen property or the instrument with which he states the offense was committed.

C. Oral Statements

1. Oral statements will be recorded electronically by audio or visual recording.
2. The electronic recording will comply the requirements set forth in this directive.

D. Written statements

1. No written statement made by an adult as a result of custodial interrogation is admissible as evidence unless the suspect is first administered the Miranda rights and knowingly, intelligently, and voluntarily waives those rights. To evidence that the Miranda rights were read to the suspect:
 - a) The officer's name, the date and time, and the incident number will be written on the face of the warning card.
 - b) The suspect is requested to sign the card indicating that he or she understands the warning.

- c) The warning card becomes part of the case file.

E. Language barrier

- 1. When the person being interrogated does not speak English or speaks limited English:
 - a) The statutory warning will be read in the suspect's primary language;
 - b) The confession will be written or typed in the language that the suspect understands; and
 - c) The confession will be witnessed by at least one person who speaks the same language as the suspect.

F. Hearing impaired

- 1. If the suspect is deaf, a certified interpreter will assist in translating for the suspect during the interrogation.
- 2. The statement will be recorded electronically by audio or visual recording.
- 3. The electronic recording will comply with the requirements set forth in this directive.

VIII. Pre-trial publicity

- A. The information obtained through the use of interviews and interrogations is confidential and sensitive in nature. Department personnel shall ensure that information is not released that would prevent or hinder a fair trial.

Tom Bean Police Department

Administrative Directive

Number: 103.060	Effective Date: ??/??/????
Subject: Informants	Revision Date:
Affected Personnel: All Personnel	Amends/Supersedes:
Reference:	

I. Policy

The use of informants is important to the satisfactory completion of many criminal investigations particularly those involving drugs, vice, and organized crime. Vital information, obtained from informants, can greatly assist the efforts of the police in the furtherance of a criminal investigation. Therefore, the Department encourages the proper development and use of informants by its officers. For the safety of the officer and the informant, confidentiality is essential and must be maintained.

II. Definitions

Informant – a person who provides information to the police regarding criminal activity and receives compensation from the Department for the information including:

- A. A citizen giving a police officer information about neighborhood criminal activities;
- B. A person, who has been arrested and provides information about other criminal participants; or
- C. A person, involved in the criminal element, who provides information about identity of a person involved in a particular crime.

III. Use of Informants

- A. The purpose of this Directive is to establish procedures that will develop a controlled system for the use of informants and to avoid situations involving their use that would adversely affect police operations.
- B. The Texas Code of Criminal Procedures specifies when informant information may be used in the issuance of search warrants or as probable cause in a criminal investigation.
 - 1. One must show that the information is credible and reliable; or
 - 2. One must base reliability on the previous use of the informant from whom the information came.

- C. All informant files shall be maintained and secured in a master file.
1. In order to show credibility and reliability, an informant file shall be maintained on confidential informants and the file will be updated whenever an informant is used.
 2. This file will be maintained within the property and evidence area, and will be kept secure.
- D. The informant file will include:
1. Biographical, contact, and background information;
 2. Criminal history record, if any;
 3. Payments made to the informant;
 4. Information supplied by the informant;
 5. Informant's involvement in an operation;
 6. Code number for each informant;
 7. Cooperating Individual Establishment Report; and
 8. Cooperating Individual Understanding Agreement.

IV. Funds

- A. Informants may be paid for information provided in specific cases upon approval of the Chief of Police. The value of the information will be determined by the Chief of Police based on the circumstances in the individual case. Monies for informants shall be drawn from the fund maintained for investigative purposes in accordance with the guidelines established for the fund.

V. Precautions

- A. The Tom Bean Police Department does not normally cultivate juveniles as informants. The use of juvenile informants is a particularly sensitive area, requiring express approval. Any officer that has a clear and articulate reason for the need of a juvenile informant shall:
1. Check with the prosecutors regarding any legal issues;
 2. Obtain the written consent of the parent or guardian of the juvenile; and
 3. Obtain approval from the Chief of Police.

- B. In the case of informants of the opposite sex, an officer should use the assistance of a second officer when interviewing or obtaining the information the informant may wish to give if possible.
- C. When reasonable or necessary, the conversation will be recorded between the officer and the informant.
- D. Care and caution should be used in releasing information to informants. Under no circumstances should information be provided to an informant if it violates any confidentiality laws.
- E. Officers will not give informants their home phone numbers or addresses, but may release their cell phone number for contact purposes.

VI. Other Methods to Protect Informant Identity

- A. Unknown informants whose true identity is not known may be used in certain instances. The Chief of Police will be informed of their use as soon as possible.
- B. Information on informants will not be disclosed to unauthorized persons without a court order.
- C. Informants may elect to use a pseudonym, such as a code name, set of initials, or number to protect their identity

VII. Informants Developed by Patrol

- A. Patrol officers may have field contacts that provide them with information. If the field contact wishes to become an informant, they shall be referred to the Chief of Police.
- B. Although the identity of field contacts may be confidential, patrol officers will notify their supervisors whenever a meeting between the officer and the field contact has been scheduled.
- C. Officers shall document relevant information and forward it to the Chief of Police via a Criminal Activity Intelligence Report.

Tom Bean Police Department

Administrative Directive

Number: 103.062	Effective Date: ??/??/????
Subject: Mental Health Consumers	Revision Date:
Affected Personnel: All Personnel	Amends/Supersedes:
Reference: N/A	

I. Policy

It shall be the policy of this Department that officers shall adhere to the Texas Mental Health Code in dealing with mental health consumers. Execution of this process is civil in nature and shall be performed by sworn officers only.

II. Definition

A. Mental illness – An illness, disease, or condition, other than epilepsy, alcoholism, or mental deficiency, that:

1. Substantially impairs a person's thought, perception of reality, emotional process, or judgment; or
2. Grossly impairs behavior as demonstrated by recent disturbed behavior.

III. Mental Commitments

A. Mental Illness as used in the Mental Health Code does not include epilepsy, senility, alcoholism, or mental deficiency. However, no person who is mentally ill shall be barred from admission or commitment to a mental health facility because he or she is also suffering one of these conditions.

B. Emergency mental illness detentions are of two types:

1. Warrantless arrests; or
2. Arrests with a warrant.

C. Requisites – Peace officer or magistrate must find:

1. The proposed patient is mentally ill;
2. Because of that mental illness the proposed patient presents a substantial and imminent risk of serious harm to self or others, if not immediately restrained. Risk of harm may be demonstrated either by proposed patient's behavior or by evidence of severe emotional distress and deterioration in mental or physical condition; and
3. If detention is without a warrant, the officer believes there is not sufficient time to obtain a warrant before taking proposed patient into custody.

4. The proposed patient must be released from emergency detention if the psychologist or psychiatrist determines that any one of the criteria for detention no longer applies.

D. Peace Officer's Application for Detention

1. A peace officer shall immediately file an application for detention after transporting a person to a facility under Section 573.001.
2. The application for detention must contain:
 - a) A statement that the officer has reason to believe and does believe that the person evidences mental illness;
 - b) A statement that the officer has reason to believe and does believe that the person evidences a substantial risk of serious harm to himself or others;
 - c) A specific description of the risk of harm;
 - d) A statement that the officer has reason to believe and does believe that the risk of harm is imminent, unless the person is immediately restrained;
 - e) A statement that the officer's beliefs are derived from specific recent behavior, overt acts, attempts, or threats that were observed by, or reliably reported to the officer;
 - f) A detailed description of the specific behavior, acts, attempts or threats; and,
 - g) The name and relationship to the apprehended person of any person, who reported or observed the behavior, acts, attempts, or threats.

IV. Detentions

- A. Responding to an incident, in which a mentally ill person is involved, requires tact, patience, and understanding by the police officer. Incidents arising from activities of a mentally ill person may be extremely dangerous to officers, bystanders, or the mentally ill person. The degree to which an officer can intervene in situations involving a mentally ill person is limited by law, but the officer must respond to take lawful action in order to:
 1. Protect the public from harm which may be caused by the mentally ill person;
 2. Protect the mentally ill person from harm which may be caused by himself or others;

3. Provide a stabilizing force as to any conflict which may arise from the actions of the mentally ill person; and
4. Aid in acquiring proper medical attention for the mentally ill person.

B. Non-violent persons

1. Mentally ill persons who present no substantial and imminent risk of serious harm to self or others should not be taken into custody. The procedure for voluntary commitment should be explained to a responsible relative or friend and instructed to contact Mental Health Mental Retardation.

C. Violent persons

1. Apprehension by a Police Officer without a warrant
 - a) Any Police Officer, who has reason to believe and does believe upon representation of a credible person, or upon the basis of the conduct of a person, or the circumstances under which the person is found, that the person is mentally ill and because of such mental illness represents a substantial risk of serious harm to himself or others unless immediately restrained, which harm may be demonstrated either by the person's behavior, or by evidence of severe emotional distress and deterioration in his mental condition to the extent that the person cannot remain at liberty, and who believes there is not sufficient time to obtain a warrant, may, without first obtaining a warrant, take such person into custody and immediately transport the person to the nearest appropriate in-patient mental health facility and shall immediately file application with the facility for the person's detention. In no case shall a jail or similar detention facility be deemed suitable except in an extreme emergency. Persons detained in a jail or other non-medical facility shall be kept separate from those persons charged with or convicted of a crime.
2. At least two officers should be dispatched and assigned to all calls to investigate that a person is mentally ill. In all cases, wherein officers believe that emergency commitment should be conducted, a supervisor shall be contacted. If the supervisor concurs, then the following procedure shall be followed, unless existing circumstances are such that it would not be feasible. Deviation from this procedure shall always require documentation as to why.
 - a) Officers shall interview the complainant and all available witnesses.
 - b) If, after conducting interviews, investigating officers determine that an emergency commitment is necessary, they shall make an effort to then contact the subject that is to be committed.

- c) If the subject can be located and taken into custody in a public place, this should be done without delay.
- d) If the subject is not in a public place but in his or her private residence and is not posing a threat to himself or herself or others, forced entry will not be made into the residence without a warrant. This does not preclude officers from making a forcible entry in an emergency situation, where the life of the subject or others is in immediate danger.
- e) Officers taking a subject into custody for mental commitment shall transport without delay to the nearest appropriate in-patient mental health facility.
 - (1) Two officers should make the transport whenever possible / practical.
- f) Explain to the subject's relatives or friends, if possible, what procedures are necessary for them to follow up in the commitment.
- g) Present to hospital authorities a Peace Officers' Application for Emergency Detention form and turn the person over to hospital authorities.
- h) If hospital authorities make a determination that the subject will not be admitted, the officers will transport the subject back to the place of apprehension.

D. Transportation after release

1. Arrangements shall be made to transport a person who is entitled to release under Section 573.023 to:
 - a) The location of the person's apprehension;
 - b) The person's residence in this state; or
 - c) Another suitable location.
2. Subsection (1) does not apply to a person who is arrested or who objects to the transportation.
3. If the person was arrested without warrant, arrangements must be made to immediately transport the person. If the person was arrested with warrant, the person is entitled to reasonably prompt transportation.

V. Interviews, Interrogations, and Arrests

- A. Officers who find it necessary to interview or interrogate a person with a mental illness shall follow all laws and procedures that would apply to any other interview or interrogation. Officers should be particularly alert for officer safety

issues since a person with mental illness may react differently. If at all possible, two officers should be present during the interview.

- B. Officers shall not interrogate a person who exhibits a mental illness to the point that the officer believes a mental commitment would be warranted or if a magistrate has issued a mental health warrant for the person since the person may not be able to knowingly waive their constitutional rights.
- C. Officers shall not arrest a person for criminal charges if the person exhibits a mental illness to the point that the officer believes a mental commitment would be warranted or if a magistrate has issued a mental health warrant for the person. The officer shall take the person into custody for the mental commitment or the mental warrant. If the mental health facility determines that a warrantless mental commitment is not necessary, the person may be arrested for the criminal charges if any are present. If the mental health facility determines that a warrantless mental commitment is necessary or if the person is taken into custody for a mental warrant, the criminal charges shall be filed at large.

VI. Training

- A. Recruit officers will receive training on handling mentally ill persons during the Field Training Program.
- B. All officers will complete refresher training on handling mentally ill persons at least every three years.