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	TERRELL HILLS POLICE DEPARTMENT	
	Policy 101 Mission, Values, and Written Directive System	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

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

II. PURPOSE

- A. The purpose of this Policy Manual is to provide operational guidelines for the Terrell Hills Police Department. This manual has been written to inform both officers, as well as the general public, of the principles to be adhered to in the performance of the law enforcement function.**
- B. Command and supervisory personnel are charged with the responsibility of ensuring that input is gathered from all responsible sources and are responsible for the proper dissemination and implementation of all adopted policies and procedures contained herein.**
- C. Due to the frequent changes in the law and the needs of the community, this manual will require frequent review and revision. The Chief of Police shall ensure that all policies are in compliance with State Law. Each employee is charged with the responsibility to present his/her ideas for revisions, additions, or deletions to the manual.**

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

III. AGENCY MISSION AND VALUES

- A. Mission: The mission of the Terrell Hills Police Department is to protect life and property, to prevent crime, and preserve the peace in a manner consistent with the freedoms secured by the constitution, always treating people with dignity, fairness, and respect.
- B. Vision Statement: Unsurpassed commitment to protecting individual rights and freedoms while preserving the peace and enforcing the law, providing a safe and harmonious environment for live, visit or work in the City of Terrell Hills.

IV. DEFINITIONS

The terms used in this Policy Manual shall be defined as follows unless otherwise indicated.

- A. Arrest: To deprive a person of his liberty in order to make them answer for an alleged criminal offense.
- B. Chain of Command. The unbroken line of authority emanating from the City Council and Mayor to the Chief of Police and through a single subordinate at each level of command, down to the level of execution, and return.
 - 1. In the absence of the Chief of Police for whatever reason, the

assumption of command will follow the succession so indicated in the Chain of Command.

- C. City. The City of Terrell Hills, Texas.
- D. Civilian. Any employee other than a sworn officer.
- E. Competent Authority. That authority possessed by commanding officers, supervisors, Federal, State or County Sheriff's officers, and Officers of the Court or Criminal District Attorney's Office.
- F. Delegated Authority. At every level, within the Terrell Hills Police Department, those who have been granted positions of authority will be authorized to make decisions necessary for the effective execution of their duties and responsibilities.
 - 1. All Supervisory personnel will be held accountable for the performance of the employees under their immediate control.
- G. Department. When capitalized, the Terrell Hills Police Department.
- H. Directive. Any written or verbal order issued by competent authority.
- . Insubordination. The willful disobedience of any order lawfully issued by a supervisor or field training officer to any other employee under their immediate direction or control, or any disrespectful, insolent, or abusive language willfully directed towards a supervisor or a field training officer.
- . Memorandum. A memorandum either (1) provides useful, specific information to employees not amounting to a formal order, or (2) constitutes a directive affecting specific behavior for a specific event or period of time, and is usually self-canceling.

a. Memoranda are not part of this manual. Memoranda may be issued by the Chief of Police or supervisors within the department.

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

L. **Officer.** A sworn member of the Department, who has taken and signed an oath of office as a Peace Officer.

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

N. **Policy.** A statement of the Department's philosophy on a given issue. Policy consists of principles and values that guide the performance of Department employees. Furthermore, policy is based upon ethics, experience, the law, and the interests and desires of the community. Use of the term Policy in these general orders does not in any way infer or imply that the City Council has in any manner- expressed or implied-delegated its final policy-making authority to any person, official or officer. The Final policy-making authority is expressly reserved to the Mayor and City Council as established by Texas law in effect at the time of the enactment of these General Orders, except to the extent expressly delegated by City Ordinance.

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

2. Only the Mayor or City Council determines policy, except to the

extent of final policy-making authority which has been delegated to the City Administrator.

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

1. All procedures in this manual will be labeled Policy.

Policies govern police operations.

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

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

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

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

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

Policymakers.

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

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

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

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

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

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

V. POLICY SYSTEM

A. Policies are issued to announce policies and procedures applicable to all officers within the Department for the indefinite future.

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

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

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

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

1. Appointment of new personnel;
2. Assignment or transfer of employees from one division, section, watch, or unit, to another;
3. Changes in compensation level;
4. Promotion or demotion of employees; or
5. Suspension, termination, or restoration to duty.

E. Memoranda may be used to:

1. Disseminate information or instructions not warranting a formal order;
2. Direct the actions of subordinates in specific situations or circumstances under a level of command not authorized to issue General Orders, Special Orders, or Standard Operating Procedures;
3. Explain or re-emphasize portions of previously issued orders; or
4. Inform employees of the actions or policies of other agencies.

VI. ISSUING AUTHORITY

- A. Policies are issued by the Chief of Police with the approval of the final policy-making authority.
- B. All such policies, procedures, and directives that are issued shall comply with all applicable Texas Law, and be reviewed biennially.

- C. Special Orders are issued by the Chief of Police or any Police Department Supervisor with the approval of Chief of Police.
- D. Standard Operating Procedures are issued by the Chief of Police or Police Supervisor in charge of the specific unit or division.
- E. Memoranda-Announcing Directives are issued by any supervisor within the department.
- F. The Chief of Police authorizes any rule, regulation, or policy. No rule, regulation, or policy is valid unless signed by the Chief of Police.
- G. Within the context of any rule or directive, the use of the word "shall" dictates an action or behavior that is mandatory and unequivocal. The word "may" or "can" means an action or behavior that is optional.
- H. Any officer or civilian member of the Department may suggest or recommend changes to the Chief of Police concerning the policy manual and all are encouraged to do so in an appropriate manner.

VII. DISTRIBUTION

- A. All policies shall be distributed by the office of the Chief of Police. Any new or revised policies shall be electronically sent to each officer's City email account, in addition to being provided with a printed copy of such policy by their immediate supervisor. All officers shall be issued and shall sign for an individual copy of the Policy and Procedures Manual.

- B. Each employee shall be responsible for maintaining the Policies and Procedure Manual in proper condition. The manual and its contents shall be considered Department property.
- C. All Special Orders and Standard Operating Procedures shall be distributed by the Chief of Police or a Supervisor or their designees to the appropriate personnel.
- D. The distribution of each Policy, Special Order, or Standard Operating Procedure shall be noted on each.
- E. Each Supervisor is responsible for ensuring that those employees under his command are properly trained concerning matters contained in the Policies and Procedures Manual, Special Orders, or Standard Operating Procedures.
- F. All employees are responsible for knowing, understanding, and conforming to the contents of all lawful written directives applying to them.

VIII. RECOMMENDATIONS

- A. All recommendations for additions to or deletions from the Policies and Procedures Manual shall be submitted to the Chief of Police through the chain of command.
- B. No order issued at any level of command may conflict with established policies and procedures issued by a higher authority. When a policy, procedure, or directive is to be issued, it shall be the responsibility of the issuing authority to ensure that the document does not conflict as described herein.
- C. Whenever applicable, all Policy and Standard Operating Procedures shall carry notations directing attention to other published documents which are related. A Policy, Standard Operating Procedure, or directive which rescinds or supersedes other documents shall carry the identifying notations necessary to identify the superseded directive.

IX. EFFECTIVE DATE

- A. Any previous policy directive, rule, order, or regulation that pertains to this subject matter and its' amendments shall remain in full force and effect for any violations which occur prior to the effective date of this Policy.**
- B. If any section, sentence, clause, or phrase of this policy is, for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this policy.**
- C. The effective date is stated in each Policy.**

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 102 Jurisdiction, Organization and Authority	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
Reference:		

I. POLICY (TBP: 1.05)

The Terrell Hills Police Department is established by state law and local ordinance, and consists of a Chief of Police, full and part-time sworn officers, and non-sworn employees as determined by the City Administrator and council. The chief executive of the police department is the Chief of Police, appointed by and subordinate to the City Manager and City Council. The Chief, in turn, appoints police officers who are charged with enforcing the laws of the State of Texas and all local ordinances. The jurisdiction of the police department is limited to the city limits, except as outlined in Section III below. The organization of the police department shall support the effective and efficient accomplishment of departmental responsibilities and functions according to community-oriented policing principles.

II. PURPOSE

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

III. AUTHORITY AND AGENCY JURISDICTION (TBP: 1.06.)

The jurisdiction of the Terrell Hills Police Department is limited to inside the city limits of the City with certain exceptions.

- A. Police Officers appointed by the City have all the authority granted to them by the Texas CCP 2.12 as Peace Officers. Appointed officers have the responsibility to act within the law preserve order, arrest offenders, and protect the residents and visitors to our City.
- B. Officers have arrest authority anywhere within the State of Texas, however the exercise of that authority will be limited when outside the city limits to those situations involving a felony or the use of violence or threatened use of violence against a person, and then only to the extent that the officer is able to safely intervene. When off-duty or out of our primary jurisdiction, officers seldom have

appropriate equipment, communications, or assistance needed to properly intervene in dangerous situations. Intervention in these cases may be resolved by calling appropriate authorities and remaining on scene to provide witness information.

- C. Officers have authority to enforce the law on property owned by the City but outside the City limits.
- D. Officers have authority to pursue offenders outside the city limits who have committed violations inside the City pursuant to the department's pursuit policy. Officers may also utilize their authority to conduct investigations, including interviewing witnesses, interrogating suspects, executing search and arrest warrants and making lawful warrantless arrests anywhere in the State of Texas when investigating crimes occurring inside the city.
- E. Officers have authority to enforce the law in another jurisdiction pursuant to a properly executed mutual aid agreement.
- F. While officers have full authority to make arrests, issue summonses, and use force in enforcing the law, officers are also expected to use discretion and common sense in the application of this authority. Officers should always seek the least intrusive level of intervention appropriate to preserve the peace and protect the public safety.
- G. An official map of the city limits will be maintained in the patrol

briefing room. **IV. ORGANIZATIONAL STRUCTURE** (TBP: 1.07)

A. Organizational structure

1. The City Council of Terrell Hills, Texas authorizes the creation of a police department to be headed by a Chief of Police. The Chief of Police is responsible for the direction of all activities of the Department. This direction is accomplished through written and oral orders as well as by personal leadership. Written orders take the form of general orders, standard operating procedures, and other directives as needed.
2. The Department consists of a Police Chief, and as many ranked and subordinate police officers as the city council determines are required to protect and serve the community and otherwise support or carry out the department's objectives.

B. Chain of Command and Succession

1. The Police Chief has full control over departmental activities. In the absence of the Police Chief, the Assistant Chief of Police shall take command and notify the Chief of all major decisions he/she may make. If the Assistant Chief of Police is not available, succession order based on the organizational chart

will assume command until the Chief/ Assistant Chief of Police is available, and shall make any necessary reports to the Chief.

2. Supervisors shall, without specific instructions, undertake the required details and assignments necessary to carry out the business of the Department. Supervisors shall be guided in the assignment of personnel by the number of officers available for duty and the necessity to assign them where they will be most useful.

C. Span of control

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

D. Authority and responsibility

1. At each rank within the Department, personnel are given the authority to make necessary decisions for the effective performance of their responsibilities. The Department is committed to fostering an organizational climate that rewards employees for initiative, innovation, community involvement, and problem solving.
2. Each employee shall be held accountable for the use of, or failure to use, delegated authority. Any employee with questions concerning his or her delegated authority shall refer the matter to the on-duty supervisor or the Chief of Police for prompt resolution.
3. Supervisors are held accountable for the condition and preparedness of the personnel assigned to them.
4. Supervisors are responsible for the good order and sanitary condition of department offices, vehicles, and equipment.
5. Supervisors are responsible for the efficiency, discipline, and morale of employees under their charge. Supervisors shall investigate or cause to be investigated all allegations of employee misconduct.
6. Supervisors shall ensure that employees have been supplied with all appropriate written orders and shall instruct them thoroughly on all oral and written orders. Supervisors shall regularly review and instruct subordinates in pertinent laws, ordinances, and necessary skills.

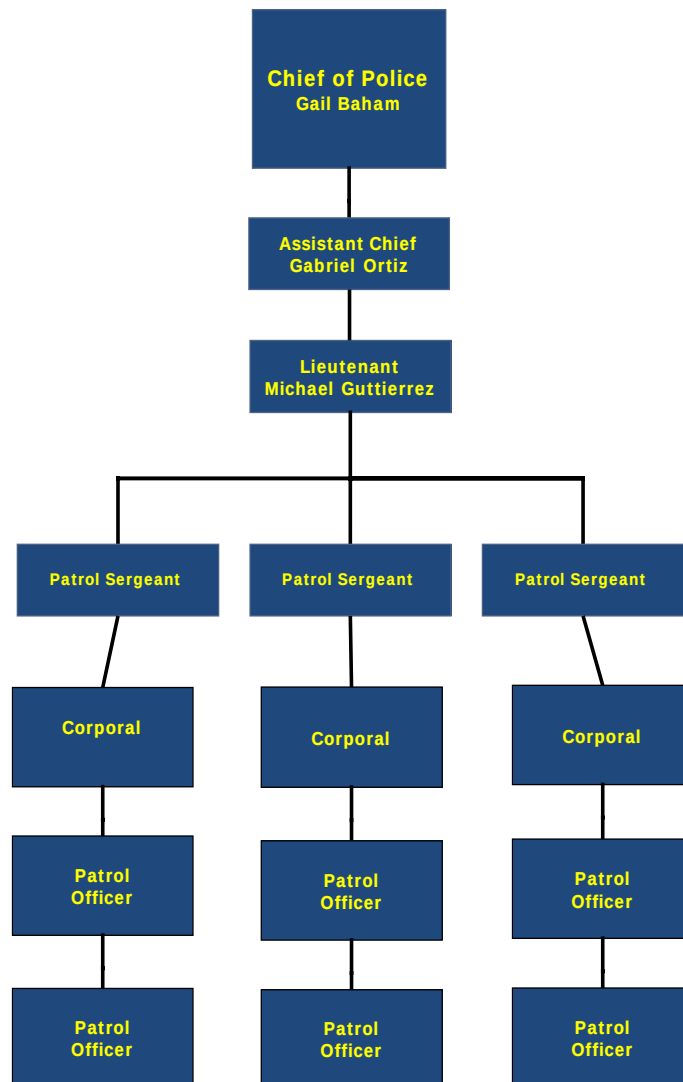
E. Authority of the Chief of the Department (TBP: 1.07)

1. As the chief executive of the department, the Chief of Police has full authority and responsibility for the management, direction, and control of the operation and administration of the Department.
2. The Chief of Police shall attend the initial Police Training provided by Law Enforcement Management Institute of Texas as required by the Texas Government Code within 12 months of appointment.
3. The Chief of Police is also the Departmental Homeland Security coordinator and will maintain relationships with the State and Federal Department of Homeland Security offices. (TBP 8.10)
4. The Chief of Police will act under the direct supervision of the City Manager.
5. The Chief of Police will maintain effective and cordial relations so as to foster cooperation with other law enforcement agencies and area governmental entities.
6. The Chief of Police will keep abreast of legal and other developments which impact the effective delivery of police service in the City of Terrell Hills, Texas..
7. The Chief of Police will be active, in a positive manner, in municipal and civic affairs in the City of Terrell Hills, Texas.
8. The Chief of Police will attend City Council meetings and will report to the council on the operations of the Police Department on a monthly basis and upon request.
9. The Chief of Police will maintain the records of the Terrell Hills Police Department under the direct supervision of the City Administrator.
0. The Chief of Police will insure that all hiring, personnel and training standards and requirements of these general orders, TCOLE, and the City of Terrell Hills are complied with by all employees of the Police Department.
1. The Chief of Police will make recommendations to the City Manager and the City Council regarding personnel matters, training, budget and operations of the Terrell Hills Police Department.
2. It is the express statement of the City of Terrell Hills that the Chief of Police shall not have final policy making authority for the City of Terrell Hills on any subject or issue.
3. Effectively administer and supervise all employees of the Police Department including to the preparation of employee evaluations for sergeants and higher, and the review and approval of all other employee evaluations.

14. Successfully complete all training required of supervisory personnel by current TCLEOSE regulations.
15. Demonstrate an ability to effectively lead and supervise, both by actions and example, police officers and police personnel.

F. ORGANIZATIONAL CHART

1. The attached chart denotes the chain of command and intra-department relationships. Revised 02/2023.



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

G. OATH OF OFFICE REQUIRED

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

H. AUTHORITY TO CARRY WEAPONS AND USE FORCE (TBP: 1.11)

1. Sworn officers who are licensed peace officers of the State of Texas are authorized to carry firearms and other weapons as identified in these directives and to use force when necessary and to the extent authorized by these orders and state law in enforcing the law and protecting the public.
2. Sworn officers who are off-duty are encouraged to carry firearms in order to take action when necessary to preserve life and property. When not in uniform, officers will not allow any weapon to be visible to the public. The weapon should be as inconspicuous as possible.
3. Officers are not to carry any weapon when off-duty if they have consumed or intend to consume any alcoholic beverages.
4. Officers are prohibited from drinking intoxicating beverages while on duty (except in the performance of a police duty and then only with the specific consent of a commanding officer and never in uniform.)
5. Employees shall not be intoxicated while on duty. They shall not at any time, on or off duty, be intoxicated in public view.
6. No employee, while in uniform, shall purchase, possess, or be under the influence of intoxicants, on or off duty.
7. Employees shall not bring or keep intoxicating liquor on Departmental premises, except for the following purpose: (liquor brought onto Departmental premises in the furtherance of a police task shall be properly identified and stored according to policy.)
8. Employees on duty or in uniform shall not enter taverns, theaters or other public places except to perform a police service. Police presence is considered a police service in many circumstances. Very brief personal errands that are

not excessive and do not interfere with the provision of police service may be allowed.

9. Employees shall not smoke, chew tobacco, or chew gum while making personal contacts with the citizens in the performance of duties. Employees will not use any tobacco products while in City vehicles or inside City owned buildings.
10. Employees are prohibited from using any personal communication device such as cellular phones, personal laptops or any other personal communication equipment while operating a City owned vehicle. If employee must use or answer a personal call on their cellular phone, he/she will immediately drive to a safe location, stop the vehicle and refrain from continued driving on public roadway until he/she has finished the call. While patrol vehicle two-way radios and mobile data terminals are the exceptions to this policy, both must be used safely, and because of their ownership and need, do not alleviate the user from any negligence surrounding their usage.

I. OFF-DUTY AUTHORITY

1. Liability Protection: Officers of this agency have liability protection for the on-duty performance of official duties. This protection does not extend to those actions that the police officer knew, or reasonably should have known, were in conflict with the law or the established policies of this Department.
2. Authorized Off-Duty Arrests

When off duty and within the legal authority of this law enforcement agency, an officer may make an arrest only when all of the following occur:

- a. There is an immediate need to prevent a crime or apprehend a suspect
- b. The crime would require a full custodial arrest.
- c. The arresting officer possesses appropriate police equipment and police identification.
- d. When the officer believes that elements under CCP 14.03 (d) and (g) are met.

3. Off-Duty Responsibilities

While off duty, the police officer is responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities. When an officer is prohibited from taking off-duty enforcement actions under provisions of this policy, the officer shall act as a trained observer and witness to the offense and shall summon on-duty personnel as soon as

reasonably possible. Where an arrest is necessary, the off-duty arresting officer shall abide by all Departmental policies and procedures.

4. Prohibitions of Off-Duty Arrests

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

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

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

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 103 Fiscal Management	
	Effective Date: 02-01-2023	Replaces: 06-01-2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY.

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

II. PURPOSE.

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

. STATEMENT OF SPECIFIC RESPONSIBILITY

The Chief of Police, as a Department Head of the City of Terrell Hills, Texas, has the authority and responsibility for the fiscal management of the Department. (TBP: 1.02)

I. DEFINITIONS

- A. Routine Expenditure: Purchases that are planned, budgeted or allocated for, but do however require authorization of a sergeant or above at time of purchase.
- B. Emergency Expenditure: A use of City funds necessary to accomplish vital goals of the Department that by their nature cannot be postponed until regular business hours. These expenditures might be for goods or services. Emergency expenditures are always more than fifty (\$50) dollars and must be approved by the Chief of Police.
- C. Petty Cash Expenditure: A purchase of services, supplies, or equipment, necessary for the operation of the Department, in the amount of fifty (\$50) dollars or less. Any petty cash purchase must be authorized by a sergeant or above prior to the purchase.

- D. Vendor: Any authorized retailer, wholesaler, manufacturer, or other supplier of goods or services to the City of Terrell Hills, Texas.
- E. Tax Exemption Certificate: A document provided to vendors by the City Purchasing Office that indicates that purchases made for City use are exempt from state sales tax.
- F. Requisition: The form used to request the purchase of goods or services.
- G. Purchase Order Form: The document used for the purchase or lease of any high cost items or services such as, but not exclusively limited to: (a) patrol vehicles, (b) video equipment, (c) emergency equipment, (d) specialized training, (e) non-warranty vehicle maintenance over \$250.00, or (f) purchases from vendors who require immediate check or cash payment at time services are rendered or item purchase.

V. RESPONSIBILITIES (TBP: 1.02)

- A. The Chief of Police has the ultimate authority, responsibility, and accountability for the fiscal management of the Department. The Chief of Police prepares the departmental budget with input from supervisors of the department.
- B. Supervisors are responsible for providing budgetary requests with any necessary justification documentation for their areas during the budget preparation process.
- C. The Chief of Police is also responsible for at least monthly review of budget to include the amount budgeted, the amount spent year to date by category, and the amount remaining. Any projected budget shortfall shall be discussed with the City Manager as soon as it is discovered.

VI. GENERAL PROCEDURES

The Terrell Hills City Hall is responsible for monitoring the suitability of vendors and the Police Department will not purchase goods or services from any vendor currently under suspension or not approved by the City.

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

The Terrell Hills Police Department does not maintain a petty cash fund. All requests for petty cash will be made, with the approval of a sergeant or above, to the office of the City Secretary. After any such purchase, the purchaser will immediately turn in the purchase receipt and any remaining cash or change to the City Secretary. No officer of the department shall accept any payment of any kind and will refer all such requests to City Hall to be handled during normal business hours.

VIII. EMERGENCY EXPENDITURES

- A. Any police employee needing to make an emergency expenditure will submit a memorandum through the chain of command detailing:
 - 1. What the expenditure is for.
 - 2. Justification for the emergency expenditure.
 - 3. The cost of the expenditure.
- B. The Chief of Police, either in person or via the telephone, will:
 - 1. Decide whether the expenditure request constitutes an emergency.
 - 2. Authorize or decline the emergency expenditure request.
 - a. If the purchase is authorized, the purchase of the goods or services requested is to be made from an authorized City vendor, whenever applicable.
 - b. If the request is disapproved, notify the requesting person to proceed with a routine requisition discussed later in this Policy.
- C. It is the responsibility of the employee receiving authorization for an emergency expenditure to:
 - 1. Make arrangements with the approved vendor to provide the goods or services.
 - 2. If the vendor asks for a tax exemption certificate, advise them that City Hall will forward a tax-exempt certificate to their business, within two business days.
- D. It is the responsibility of the Chief of Police or designee to:
 - 1. Provide, to the City Secretary, an itemized list of the goods or services obtained, including the total cost.
 - 2. Forward a copy of all invoices or receiving slips to the City Secretary.
- E. It is the responsibility of the Chief of Police or designee to prepare a requisition, attaching all invoices, receiving slips, and receipts. The requisition will be then forwarded to the City Secretary to arrange for out of pocket cash reimbursements where applicable.

IX. ROUTINE EXPENDITURES

- A. It is the responsibility of any police employee needing to make a routine purchase of goods or services to:
 - 1. Prepare an informal request (memorandum) and submit for approval to a sergeant or above.

2. Specify the reason and type of service or goods to be purchased.
3. Submit the request to the Chief or designee.
4. Await approval from the Chief of Police or designee.
5. Arrange for the delivery of goods or services by the vendor.
6. Return all invoices, receipts, and/or receiving slips to the Chief of Police by the next business day following the receipt of goods or services.

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

C. The Police Department Credit Card is maintained in the Assistant Chief's office.

1. Each receipt will be initialed, dated and budget item noted by the Chief or designee.

2. The Assistant Chief will maintain all invoices and receipts until the monthly credit card statement is received.

3. The Assistant Chief will compare all credit card receipts and invoices with the monthly statement and attach each to the statement prior to returning the statement to the City Secretary.

X. PROPERTY LOSS AS A RESULT OF POLICE DUTIES

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

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

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

1. Recommend a dollar amount for replacement based on:
 - a. Fair market value of the item(s) or equipment.
 - b. Cost replacement for the item(s) or equipment that provides the same purpose.
2. The Chief of Police will forward his/her recommendation to the City Manager who will have the final determination.

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

1. Wrist watches, approved clothing, foot wear, weapons, handcuffs, batons, and any other non-departmental supplied equipment.
2. Reimbursement will not be made for items that are not normally utilized in the course of police duties, such as ornamental jewelry, hats, and expensive watches, clothing, or foot wear. Valuable items of this sort are worn at the employees own risk.

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

XI. AUDITING / ACCOUNTING

- A. An independent audit of the Terrell Hills Police Department's fiscal affairs is conducted at least annually in conjunction with the City's annual financial audit. The Chief of Police may order an internal audit at any time that it may be deemed necessary to ensure accountability.
- B. The Terrell Hills Police Department maintains a "running balance" accounting report which is maintained by the City Secretary and may be queried to show:
 - 1. Initial appropriation for each expenditure account.
 - 2. Monthly up-to-date balances for each expenditure account.
 - 3. Monthly up-to-date expenditures for each expenditure account.
 - 4. Unencumbered balance at end of period (end of year).

XII. ACCOUNTABILITY OF DEPARTMENT OWNED CAPITAL ASSETS AND EQUIPMENT/PROPERTY (TBP: 1.10 and TBP 1.12)

- A. The department will conduct a capital assets inventory every year and whenever there is a change in command personnel over a unit or the department. A Capital asset is any single item non-expendable Department owned property that has a fair market value of at least \$5000.00 (Five thousand dollars). The inventory record of such property will be forwarded to City Management for availability for annual audit review. (TBP: 1.10)
- B. All non-expendable Department property is inventoried when received. This includes but is not limited to department-owned firearms, tasers, computers, hand held radios, badges, etc. A sergeant or above will be responsible for issuing such property to any authorized users, as well as recovering said property when the officer leaves employment with the department for any reason. All such issuances and returns shall be officially documented on the Department's approved property receipt by a sergeant or above. (TBP: 1.12)

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 104 Inspections and Audits	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

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

II. PURPOSE

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

III. DEFINITIONS

- A. Line Inspection. Line inspections are inspections conducted by the supervisory personnel directly responsible for the person, equipment, or facility being inspected. They are designed to examine, evaluate, and improve the performance of departmental personnel and equipment. A written report is not required for a line inspection unless it reveals a critical problem that should be brought to the attention of a higher level.
- B. Readiness Inspection. A specific inspection conducted to evaluate both equipment and operational readiness of the department to respond to exceptional or emergency circumstances. Such inspections are regularly scheduled but may be initiated at any time at the direction of the Chief of Police or his designee.

IV. PROCEDURES

A. Line Inspections

1. Line inspections shall be conducted by the immediate supervisor of the unit or personnel being inspected.
2. Line inspections shall be accomplished at roll call or other times as are appropriate for the type of inspection being conducted.
3. Line inspections shall be conducted weekly or at such levels and times as otherwise directed by the supervisor of the unit concerned.
4. Special line inspections may be ordered at any time by the Chief of Police.
5. Line Inspections shall, at a minimum, include an examination of each of the following items that are applicable to that particular unit and that type of inspection:
 - a. Personal appearance and personal hygiene of unit personnel.
 - b. Proper wearing of uniforms and uniform equipment.
 - c. Health, physical fitness, and fitness for duty of unit personnel.
 - d. Appearance and maintenance of department-owned vehicles assigned to or used by that unit.
 - e. Compliance with, availability, and currency of departmental policies, regulations, orders, publications or applicable documents.
 - f. Physical condition, maintenance, safety, cleanliness, adequacy, and security of the areas, furnishings, and equipment of the portions of the utilized work space used.
 - g. Firearms
 - h. Any other items as applicable.

6. Inspection Procedure

- a. Unit supervisors shall conduct informal physical inspections of personnel, equipment, and other items, as directed. Normally no formal written report of line inspections will be required.
- b. All line inspections shall be conducted in accordance with all safety precautions.
- c. Firearms, both individual and department owned that are used on duty will be inspected for cleanliness and functionality at least monthly. Firearms and other equipment with the potential for causing injury shall be examined only by persons thoroughly familiar with the item being inspected. Inspection of firearms and other weapons shall be conducted only in a manner consistent with the standard safety requirements for the presentation and handling of such weapons.

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

B. Readiness Inspections

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

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 105 Mutual Aid	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

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

II. PURPOSE

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

III. PROCEDURE

A. Jurisdiction

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

B. Mutual aid

1. For the purpose of this policy, mutual aid is defined as the assistance given or asked for, between the department and other law- enforcement agencies, during either routine or emergency situations. These circumstances which require mutual aid can include one or more, but are not exclusively limited to the following situations:
 - a. Assisting a neighboring agency that may have all of its resources tied up on a working incident.
 - b. Any law-enforcement emergency involving an immediate threat to public safety;
 - c. When executing orders for the temporary detention or emergency custody of people for mental health evaluation;
 - d. Any public disaster, fire, flood, epidemic, or civil disorder.
2. Mutual aid may be requested from or provided to another law-enforcement agency by the Terrell Hills Police Department at the discretion of the on-duty supervisor. Supervisors and officers must understand, however, that the needs and responsibilities for providing law-enforcement service to the City of Terrell Hills are primary. There are generally three levels of mutual aid assistance as follows:
 - a. Short duration, approximately 30 minutes or less, where an additional show of force, backup, traffic control, assistance with prisoner transportation, or assistance handling a call for service within their jurisdiction is required.
 - b. Medium duration, approximately one to four hours, where the senior officer on duty may provide or request assistance from the neighboring law enforcement agencies, the County Sheriff, or Texas DPS; however, their role is normally confined to a showing of force, backup, transporting prisoners, traffic control, or holding down the scene at a pending call for service within their jurisdiction.
 - c. Long duration, more than four hours, full scale assistance required. The on-duty supervisor shall immediately notify the Chief of Police, who will authorize the calling in of any additional off-duty personnel as may be needed to ensure proper staffing.
3. Any Mutual Aid support between the department and neighboring law enforcement agencies shall be coordinated in advance through a written inter-agency agreement.
4. Mutual Aid Agreements shall be reviewed periodically to ensure compliance with National Incident Management System requirements.

5. When taking law enforcement actions at the emergency site, including the use of force, officers from this department shall at all times adhere to this department's policies and procedures and utilize only those weapons and tactics that they have been properly trained and deemed qualified to use.
6. Occasionally it is necessary to request assistance from a federal law-enforcement agency when a major crime has occurred and the suspect may have left the state. The Chief of Police shall decide whether or not to notify the FBI or other appropriate agency.
7. If the department, with the help of neighboring law-enforcement agencies and DPS, is unable to cope with an emergency such as a riot or civil disturbance, the Chief of Police may contact the governor's office for National Guard assistance.

C. Statewide law-enforcement support.

1. The Terrell Hills Police Department participates in the use of the Texas Crime Information Center (TCIC) and complies with the procedures for the use of this exchange. In addition, the department participates in the Uniform Crime Reporting system administered by the Texas Department of Public Safety.
2. Some state-owned law-enforcement resources may be made available to the department for special use. These state-owned resources include, but are not limited to, and are available by request from the Texas Department of Public Safety (DPS):
 - a. Special Weapons and Tactics (SWAT) teams.
 - b. Canine teams. If requested, shall only be used to track, and great caution shall be used in deploying teams in heavily populated or congested areas. Canine Handlers are responsible for compliance with their own agency policies and procedures.
 - c. Helicopter or fixed-wing aircraft. Normally requested in advance by the Chief of Police to the Director. May be available on an emergency basis through DPS.
 - d. Polygraph Examiners
 - e. Riot suppression vehicles and equipment
 - f. Bomb disposal- may also use FSH Military EOD

D. State Law Enforcement Assistance during Declared Emergency or Disaster Situations

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

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 106 Departmental Reports	
	Effective Date: 01/03/2025	Replaces: 2/01/2023
	Approved:	Gail Baham Chief of Police
Reference:		

I. POLICY

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

II. PURPOSE

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

III. ADMINISTRATIVE REPORTS

A. Monthly Report

The CID Investigator will provide a monthly report to the Chief of Police. This report contains information specified by the Chief of Police which is also shared with the City Council.

B. Monthly U.C.R.

The monthly U.C.R. (Uniform Crime Report) is also compiled by the CID Investigator. This report is then electronically submitted to the Texas Department of Public Safety in a timely manner.

C. Annual Report

The Annual Report as well is compiled by the CID Investigator. The report contains an annual summary of the monthly report information and other information specified by the Chief of Police. The Annual Report is forwarded to the Chief of Police and shared with the City Council.

D. Racial Profiling Report

An annual report required by HB 3389 compiled to reflect all motor vehicle stops in which a citation is issued and to arrests made as a result of those stops. This report must include the following collected data from each stop, and must be reported to the City Council and electronically submitted to **TCOLE** by March 1st of the following year:

1. The race or ethnicity of the person detained;
2. Whether a search was conducted, and whether the individual detained consented to the search;
3. Whether the peace officer knew the ethnicity or race of the individual detained before detaining the individual.

IV. POLICE RECORDS

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

V. DEPARTMENTAL FORMS

- A. The Terrell Hills Police Department has designated **Tyler Technologies: RMS- Public Safety Pro** software as the standardized official report forms for all reported incidents excluding investigated traffic accidents- which are reported on the Texas Peace Officer's Crash Report CR-3 and CR-80 (Commercial Vehicles).
- B. The Terrell Hills Police Department may create additional standardized reporting forms as needed to satisfy specialized reporting requirements such as Use of Force Incidents, Police Pursuit Incidents, Racial Profiling Reporting Requirements, etc. Any such form created must ultimately be approved by the Chief of Police before implementation.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 107 Departmental Goals and Objectives	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

The City of Terrell Hills has developed a Strategic Plan that outlines the City's organizational Goals and Objectives to be implemented. The City Manager and City Council have developed this Strategic Plan with input from the department heads and the community alike. Each year, the City Management will evaluate the City's overall operations to determine the City's progress at achieving and/or sustaining the City's the goals and objectives set forth by the Strategic Plan, and add any new goals that have been developed.

II. PURPOSE

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

III. GOALS AND OBJECTIVES

- A. The Chief of Police has developed and implemented a set of, realistic, achievable, and sustainable, goals and objectives developed specifically designed for the Police Department. Semi-annually, the Chief of Police will evaluate the Department's progress at achieving and maintaining these goals and objectives.
- B. The Chief of Police will review semi-annually, with the supervisory staff, the progress in achieving the goals, objectives and strategies of the Department.
- C. The Chief of Police will then conduct an annual review with the members of the Police Department to critique and evaluate the Department's progress, and seek input regarding the revision of any existing or the addition of any new goals.
- D. Each supervisor is responsible for insuring that all personnel under their command are providing forth the individual effort required to achieve and maintain the goals and objectives of the department. In addition, all members will be given the opportunity to provide input to the goals, objectives and strategies of the Department.

- E. The Chief of Police will then report annually to the City Management the Department's progress at achieving and maintaining the established goals and objectives of the Police Department.

IV. INDIVIDUAL PERFORMANCE PLANS

Supervisors, when developing individual Performance Plans for subordinate employees, will include elements of the annual goals and objectives which that employee is expected to assist in accomplishing in the upcoming year, in addition to that employee's specifically assigned goals that he/she is required to achieve.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 201 Rules of Conduct	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

Both the Terrell Hills Police Department and the public it serves expect all personnel to maintain the highest standards of appearance and conduct. The mission of the Terrell Hills Police Department is to work with all members of the community to protect life and property, and to prevent crime and preserve the peace in a manner consistent with the freedoms secured by the constitution, always treating people with dignity, fairness, and respect. Strict adherence to these rules of conduct is highly imperative in order to accomplish the overall mission.

II. PURPOSE

To set forth the Department's behavioral expectations for both sworn and non-sworn personnel while on-duty as well as off-duty.

CODE OF ETHICS

All officers of the Terrell Hills Police Department shall display the integrity required by the Law Enforcement Code of Ethics:

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

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

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

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

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

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

IV. GENERAL DUTIES

- A. No officer shall procure or attempt to procure appointment or promotion in the Department by means of willful misrepresentation or omission of any fact concerning his personal history, qualifications, or physical condition.
- B. Police officers must present a “neutral image” to effectively relate to all segments of the population they serve. Societal interest demands highly trained officers who demonstrate disciplined conduct, regimentation, and strict adherence to regulation and authorized detail. Therefore, officers shall be subject to, and must comply with the uniform and appearance standards prescribed by General Orders.
- C. Uniforms shall be kept neat, clean, in good repair, and well pressed when reporting to duty. While wearing the uniform, officers shall maintain a military bearing, avoiding mannerisms such as slouching, shuffling, and keeping hands in pockets. Any prescribed uniform hat or cap shall be worn when directed by competent authority.
- D. All officers shall report to all regularly scheduled duty assignments, special assignments, departmental meetings, and training sessions unless properly excused/exempted by illness, or approved vacation or compensatory time. (TBP 2.16)
- E. Normally, officers shall wear the duty uniform on a tour of duty. However, the Chief of Police may prescribe other clothing to be worn as required by the nature of the duty to which a particular officer is assigned.

- F. No officer, while in uniform, shall carry any unusual, exotic or unauthorized weapons or equipment such as daggers, swords, blackjacks, etc or wear on the uniform any item not specifically authorized by written policy of the Chief of Police. All officers will obtain written approval from the Chief of Police or his designee prior to carrying or using any personally owned equipment, excluding an authorized intermediate weapon, during the performance of their duties.
- G. Officers shall carry their badge and identification card with them at all times.
- H. Officers must be armed at all times while on duty in the City, unless directed otherwise by the Chief of Police or his/her designee. When an officer is on duty, the firearm and other weapons carried will conform to the standards and required qualifications as set forth in these General Orders.
- I. With the exceptions listed, when an officer is off duty, he/she may (optional) be armed with a Departmentally approved weapon. If armed, he must be currently qualified with that weapon as set forth in the General Orders.
 - 1. Exceptions: An officer must be armed at all times with a departmentally approved weapon:
 - a. When in a city vehicle;
 - b. When in uniform; or
 - c. When performing police related off duty employment.
- J. No officer, when dressed in civilian clothes, shall wear or carry a weapon in such a manner that it will attract attention or be in open view in public unless in the performance of official duties.
- K. No officer shall wear the uniform, be armed, or carry their badge or identification card while under any type of department suspension.
- L. Officers shall not willfully damage any property or equipment belonging to the City, any citizen, or other entity unless lawfully required to do so in the performance of their duty.
- M. Officers will not cause damage to any property or equipment belonging to the City, any citizen or other entity by improper handling or negligence.
- N. No officer shall alter, repair, or in any way change, add to, or remove any parts or accessories of any City-owned property without the permission of the Chief of Police. This includes buildings, office equipment, machines, clothing, firearms, communication equipment, and motor vehicles.

- O. Daily Bulletins; Officers upon the start of their assigned shift will check the Police Department's "pass-on book" for the purposes of updating themselves on currently disseminated information. Officers will also check their personal department mailbox and assigned e-mail at the beginning of their shift for announcements, directives, or other important disseminated information.
- P. Leave Requests; Officers requesting extended leave of more than five (5) or more consecutive days shall submit written request at least two (2) weeks prior to the first day of requested leave. This will allow ample time to adjust schedules, prevent conflicts with any previously scheduled in-service training or time off, and eliminate any undue disruption to patrol staffing. Requests for emergency leave will be granted only by the Chief of Police or his/her designee and will be evaluated on an individual basis.
- Q. Correspondence Pick-Up; Any on- supervisor or designee will pick-up all correspondence and paperwork from Alamo Heights Dispatch Center any time so requested to do so. In the event the correspondence includes any CCHs (Computerized Criminal Histories), the officer will sign the designated log book at Alamo Heights Dispatch and immediately deliver such correspondence to the requestor. The supervisor or his designee will process the correspondence accordingly.

V. PROFESSIONAL CONDUCT AND PERSONAL BEARING

- A. Dereliction of duty on the part of any officer, detrimental to the proper performance of the functions of the Department, is cause for disciplinary action, leading up to and including termination. Dereliction of duty includes, but is not limited to, the following:
 - 1. Failure of a supervisor or commander to immediately take action when a violation of rules or regulations comes to his attention, regardless of the supervisor's or violator's assignment or rank within the Department.
 - 2. Failure to observe and follow the policies of the Department.
 - 3. Failure to properly process, log, and submit any property, contraband, or evidence, found, confiscated, or relinquished to officers of this Department before the officer's tour of duty ends.
 - 4. Failure to provide identification when requested.
 - 5. Failure to take appropriate police action to aid a fellow peace officer exposed to danger or in a situation where danger might be impending.
 - 6. Cowardice or failure to perform police duties because of danger.

7. Any action which places any person in greater danger than is necessary for the proper performance of the employee's duties.
8. To offer, agree to accept, deliver, or solicit a bribe. (A bribe shall be defined as a gift, emolument, money, thing of value, testimonial, appointment, personal advantage, the promise or solicitation of same for the purpose of obtaining special privileges or personal gain by the donor or other person.)
9. Within the City, officers shall at all times take the appropriate action to:
 - a. Protect life and property;
 - b. Preserve the peace;
 - c. Prevent crime;
 - d. Detect and arrest violators of the law; and
 - e. Enforce all federal, state and local laws and ordinances coming within Departmental jurisdiction (off duty enforcement of traffic and Class C misdemeanor offenses are excluded from this provision).
10. For the purpose of protecting life and property, officers shall always be considered on duty while in the City and shall be prepared to act to the extent possible any time circumstances indicate their services are required.
 - a. The above enforcement action will not include:
 - (1) Detentions or arrests for violations of a Class C Misdemeanor level or traffic enforcement when out of uniform and off duty, unless in an off duty employment capacity and with prior supervisory permission; and
 - (2) Enforcement responsibilities beyond the ability of the officer when he/she is not armed. (Appropriate action in such cases may include calling for assistance.)
- B. No officer shall be convicted of, nor commit any act or omission defined as a criminal act.
- C. Officers shall be truthful at all times when conducting any official police related business. This includes any oral or written communication, correspondence, reports, the preparation, completion or execution of any official documents, and all court related testimony provided. (TBP 2.14)

- D. No officer shall engage in any conduct which adversely affects the morale or efficiency of the Department or which has a tendency to adversely affect, lower or destroy the public respect and confidence in the Department or officer.
- E. No officer, when acting outside the course and scope of his/her duties, shall precipitate, cause or escalate a disturbance or police incident to his/her discredit.
- F. No officer shall fail or deliberately refuse to obey a lawful order given by a supervisory member of the Department. In the event any such lawful order is in conflict with a previous order, the officer shall respectfully call attention to such conflict. If the supervisory member does not alter or retract such order, the order is to then obeyed. Officers receiving conflicting orders may then inform the supervisor giving the initial order or pursue the matter properly through the established Chain of Command. (TBP 1.08)
- G. All officers shall treat supervisory members, subordinates and associates with respect. They shall be courteous and civil, at all times, in their relationships with one another.
- H. Officers shall not publicly criticize or ridicule the Department, its policies or other employees by talking, writing or expressing in a manner which:
 - 1. is defamatory;
 - 2. is obscene;
 - 3. is unlawful;
 - 4. tends to impair the operation of the Department by interfering with its efficiency, by interfering with the ability of supervisors to maintain discipline; or by a reckless disregard for the truth; or,
 - 5. reflects negatively upon the Department in a manner which hinders the ability of the Department to render service to the public.
- I. No officer shall be under the influence of legal or illegal drugs, or be a user of, when such drugs are not prescribed by a physician or dentist, or taken in a manner not prescribed by a physician or dentist. (TBP 2.20)
- J. Officers will notify a supervisor when they are taking any prescription medication, prescribed by a physician or dentist, which could impair their ability to safely operate a motor vehicle or weapon, or affect their judgment/decision-making abilities (physical/mental faculties). (TBP 2.20)

- K. Officers will not use any unnecessary, unreasonable or inappropriate force against any person. Officers will engage in searches, arrests, and detentions of persons and property, only in a manner which is consistent with the preservation of the constitutional and other legal rights of persons or property that they encounter.
- L. No officer shall, at any time, willfully and/or maliciously ridicule, mock, embarrass, degrade, humiliate, shame, taunt or belittle any person or fellow officer. (TBP 2.17)
- M. No officer will engage in discrimination, oppression, or favoritism to another person, business, or any reason while acting in their official capacity. (TBP 2.17)
- N. No officer shall willfully harass any person nor take any action in a manner which might incite a person to violence.
- O. No officer shall use loud or harsh language in performance of official duties except as necessary to gain control of an escalating situation or when appropriate while participating in a sanctioned and approved training exercise.
- P. No officer shall use indecent or profane language in the performance of official duties or in the presence of the public, or conduct himself in a manner to bring discredit upon the police service.
- Q. Officers shall not engage in any conduct which constitutes conduct unbecoming an officer or neglect of duty.
- R. No officer will make any comment or expression, either written or oral, which could deride, demean, condemn, or ridicule any person based upon their race, ethnicity, sex, religion or sexual orientation, on or off duty, if such comment or expression will tend to: generate controversy, disruption or turmoil within or outside of the Department, impede upon the Department's general operations and performance, or affect working relationships necessary to the Department's proper functioning.
- S. Officers will be courteous and civil to the greatest extent possible when dealing with members of the public or other members of the Department.
- T. No officer shall solicit any funds for the purpose of buying a gift for any member of the Department. However, officers may solicit nominal amounts from members of the department for farewell gifts for retiring fellow members or for special circumstances with the permission of the Chief of Police or designee.
- U. No officer shall accept any money, gifts, or other items of value from any type of offering or solicitation except from the department when retiring, or for special circumstances approved by the Chief of Police or designee. (TBP 2.21)

- V. Officers shall not buy anything from or sell anything to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention through their employment with the Department, nor can they act as an intermediary in the payment of a reward for the return of stolen property without prior authorization by the Chief of Police. This does not prohibit officers from dealing with legitimate places of business.
- W. No officer shall engage in any form of gambling in any other police or City facility.
- X. No officer shall engage in any behavior which constitutes “hazing “ or sexually-oriented or sexually explicit behavior anywhere while on duty, or while off duty in any City facility.
- Y. Uniformed officers will render appropriate honors to the United States flag and national anthem during ceremonial functions by assuming the position of attention and placing the right hand over the heart (indoors) or saluting (outdoors). Officers in civilian clothing will render appropriate honors by assuming the position of attention and placing the right hand over the heart (both indoors and outdoors).
- Z. Officers shall be compensated by the City only as specifically authorized by the governing body of the City. Such compensation shall be limited to the following and no other compensation shall be expected or requested by any officer of the Department:
 - 1. Salary authorized by the City’s governing body;
 - 2. Compensatory Time for overtime hours only when supported by appropriate documentation and approved by a supervisor;
 - 3. Reimbursement for out of pocket expenses incurred in the performance of official functions only when approved in advance and supported by documentation as the City may require;
 - 4. Other special compensation and/or fringe benefits only if approved by the governing body of the City.
- AA. Officers shall, at all times, respond to the lawful orders of supervisory members and other proper authorities as well as requests for police assistance from citizens.
 - 1. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the Department does not relieve officers of other units from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires. Officers assigned to special duty are not relieved from taking enforcement action outside the scope of their specialized assignment when

necessary. All members shall perform their duties as required or directed by law, Departmental rule, policy, or by order of a superior member.

- BB. Officers shall respond without delay to all calls for police assistance from citizens or other members.
 - 1. Emergency calls will take precedence. However, all calls shall be answered as soon as possible, consistent with normal safety precautions and traffic laws.
 - 2. Except under the most extraordinary circumstances or when otherwise directed by competent authority, no officer shall fail to answer any call for service directed to him.
- CC. Officers will investigate those incidents assigned or which come to their attention to the fullest extent within their assigned responsibilities.
- DD. The ranking on-duty supervisor at the scene of any police incident shall be in charge and responsible for the proper conclusion of that incident. In the absence of a supervisor, the senior officer present shall be in charge and responsible for the handling of the incident. The supervisor or senior officer shall remain at the scene until such time as the incident is under control, is being properly handled in accordance with existing policies, and sufficient instructions have been issued to result in the proper conclusion of that incident.
- EE. Failure or deliberate refusal of any officer to obey a lawful order given by a superior member shall be considered insubordination.
- FF. No officer shall be absent without leave. (Absence without leave shall mean either a failure to report for duty at the time and place of duty, or the departure from a place of duty or assignment without proper authorization.)
- GG. Unless otherwise directed, officers shall report to daily roll call at the time and place specified in proper dress and equipment. They shall give careful attention to orders and instructions.
- HH. The hours of all officers shall be regulated by the Chief of Police or his designee, who has the authority to call any employee back to duty, regardless of the hours assigned that employee. Officers are subject to emergency recall and shall report for duty during emergencies when so notified by a supervisor or the Chief of Police. (TBP 2.22)

- II. It shall be the responsibility of officers who cannot report for duty, due to illness, to notify the on duty supervisor at least two (2) hours prior to their reporting time. Officers must give a telephone number and address where they can be located during their normal tour of duty.
- JJ. Officers shall furnish the Department a current telephone number and address at which they may be reached in the event of an emergency.
- KK. Officers shall report any change in address or telephone number within twenty-four (24) hours of such change in the manner prescribed by the Chief of Police.
- LL. When officers will not be available for more than twenty-four (24) hours at their listed address and telephone number for an emergency call, they shall notify their supervisor who shall record the time of departure, expected time of return, destination and, as far as practicable, information as to how and where they may be reached in the event of an emergency.
- MM. Officers shall not work any outside or extra duty employment on the same calendar day or the day after that they fail to report for duty due to illness or injury.
- NN. Officers are prohibited from following any other vocation that might conflict or interfere with their responsibility to the Department.
 - 1. Officers must receive written permission from the Chief of Police to engage in off duty employment or business activities.
 - 2. Officers are prohibited from holding a deputation or commission from any other law enforcement agency.
- OO. Officers shall remain alert, observant and occupied with police business, during their tour of duty. When on duty, officers shall devote their entire time and attention to the business of the Department.
- PP. Officers are prohibited from engaging in the following activities while on duty:
 - 1. Sleeping, loafing or idling;
 - 2. Recreational reading, except as follows;
 - a. during meals while in plain clothes; or
 - b. during meals while in uniform and out of public view;
 - 3. Conducting private business (excluding minor personal errands within the City which do not interfere with the provision of police services);

4. Carrying any articles that distract from the proper performance of police duty;
 5. Drinking alcoholic beverages (except in the performance of a police duty and then, only with the specific consent of a commanding officer and never in uniform);
 6. Legal or illegal gambling (except in the performance of a police duty and then, only with the specific consent of a commanding officer and never in uniform);
 7. Any sexual conduct.
- QQ. Officers shall promptly submit reports that are required by the performance of their duties or by competent authority. Any required report shall be completed before the end of the officer's shift, unless approved by a supervisor.
- RR. Officers shall have prior approval of their supervisor before initiating undercover investigations. In cases where officers are already deployed in an undercover capacity and they begin another assignment unrelated to the existing assignment, they shall notify their supervisor as soon as practical or within twenty-four (24) hours.
- SS. Officers shall not consume alcoholic beverages, while off duty, to the extent that evidence of such consumption is apparent when reporting for duty or to the extent that their job performance is impaired. (TBP 2.19)
- TT. Officers shall not consume any alcoholic beverages while on duty, nor be intoxicated while on duty. They shall not at any time, on or off duty, be intoxicated in public view. (TBP 2.19)
- UU. No officer, while in uniform, shall purchase alcoholic beverages at any time.
- VV. Officers shall not bring or keep any alcoholic beverages on Departmental premises, except for the following purpose;
1. Alcoholic beverages brought onto Departmental premises in the furtherance of a police task (evidentiary need) shall be handled, processed, and then disposed of properly pursuant to policy.
- WW. Officers in uniform shall not enter any tavern, bars, club, or theater, except while on duty and only to perform a police service. Police presence is considered a police service in many circumstances.

- XX. Officers shall not smoke tobacco, chew tobacco or gum while making personal contacts with citizens in the performance of duties. Officers will not use any tobacco products while in city vehicles.
- YY. No expenditure of money shall be made or liability incurred in the name of the City or the Department unless authorized by the Chief of Police or by appropriate City authority.
- ZZ. Officers are prohibited from using City equipment, whether the equipment is owned or leased, for any purpose other than Departmental or City business. This prohibition applies to both on and off duty conduct. Exceptions to this policy will require the prior approval of the Chief of Police or his designee. This rule does not preclude the limited use of equipment or supplies deemed in the best interest of the department as determined by the Chief of Police or his designee.

VI. PROTECTION OF PRISONERS: THEIR RIGHTS AND PROPERTY

- A. No officer shall arrest any person, or search any premises or person except with a warrant of arrest, a search warrant, or where such arrest or search is authorized without a warrant under the laws of the State of Texas, or the United States.
- B. All officers shall protect the constitutional rights of any person held in custody.
- C. All officers shall protect, to the extent reasonably possible, any person being taken into custody from physical harm or injury.
- D. No officer shall knowingly cause a false arrest, imprisonment, or malicious prosecution against any person.
- E. No officer shall willfully mistreat or give inhumane treatment to any person.
- F. All officers shall use only such force as is necessary and allowed by applicable law in effecting an arrest and maintaining the custody of prisoners.
- G. Officers shall use deadly force only as authorized by the Fourth Amendment, Chapter 9 of the Texas Penal Code, and any applicable Supreme Court decisions rendered under either of the above, and any such use shall parallel the department's use of force continuum.
- H. All officers shall take all reasonable steps necessary to prevent loss or damage to property or equipment belonging to a person in custody or which has come into the possession of the officer by reason of his office. ***NOTE: If loss or damage is the result of willful action or preventable negligence on the part of the employee, the employee may be required to make restitution in addition to any corrective action under this code.***

VII. PUBLIC ACTIVITIES

- A. Officers of the Police Department who wish to engage in partisan political activity will observe the following restrictions:
 - 1. While in uniform or on duty, an officer may not engage in a political activity relating to a campaign for a public election; (TBP 2.15)
 - 2. An officer engages in a political activity if he:
 - a. Makes a public political speech supporting or opposing a Candidate.
 - b. Distributes a card or other political literature relating to a campaign of a candidate;
 - c. Wears a campaign button;
 - d. Circulates or signs a petition for a candidate;
 - e. Solicits votes for a candidate;
 - f. Solicits campaign contributions for a candidate; or
 - g. Voluntarily appears, either on duty or in uniform, in any type of news related or advertising photographs with or for a candidate for public office.
 - 3. While out of uniform and off duty, an officer may engage in the political activities as listed in Subsection 2, with the following exceptions;
 - a. An officer may not solicit campaign contributions for a candidate other than from members of an employee organization of which he is a member.
 - b. An officer may not support, or solicit support for, any candidate in such a manner as to use his or her position with the Department in support of such efforts.
- B. An officer of the Department may not become a candidate for elected office in the City except as allowed by applicable General Orders and as prescribed by the City personnel policies and procedures.

- C. No officer shall seek the influence or intervention of any person outside the Department for the purposes of personal preferment, advantage, transfer or advancement. Should any officer learn of any such intervention on his behalf, he/she shall immediately notify the Chief of Police in writing, providing the name, position (if applicable) and any other information available of the person intervening or planning to intervene on the officer's behalf.
- D. No officer shall become a member of any organization, association, movement or group which advocates or approves the commission of acts of force or violence to deny others their rights under the Constitution of the United States or which seeks to alter the form of government of the United States by unconstitutional means.
- E. No officer shall participate in any type of disruptive protest demonstration nor shall any officer act as a spokesman, representative, or agent for any group engaged in or planning to engage in any type of disruptive protest demonstration.
- F. Except for official police duties, no officer of this Department shall associate with persons of immoral character, convicted felons, gamblers, or other persons who habitually commit violations of the law. This does not prohibit an officer of this Department from associating with immediate members of his family if they fall within the aforementioned category.
- G. Officers shall not permit their name or photograph to be used to endorse any product or service which is in any way connected with law enforcement without permission of the Chief of Police. Officers shall not, without the permission of the Chief of Police, allow their name or photograph to be used in any commercial testimonial which alludes to their position or employment with the Department.

VIII. JUDICIAL PROCEEDINGS

- A. The Department has jurisdiction in criminal cases and limited civil cases only. No officer shall render aid or assistance in other civil cases except to prevent an immediate breach of the peace or to quell a disturbance actually existing. This rule is not intended to prevent officers from informing any citizen as to steps necessary to protect their rights in civil matters.
- B. No officer shall investigate any criminal case or personally file any criminal charge in a court of law against any person for a criminal offense committed against the officer or any member the officer's family, except for any Class C misdemeanors occurring in the officer's presence while on duty. Other offenses that may be committed against the officer or members of the officer's family shall be reported to the agency having responsibility for the investigation of such offenses, and that agency shall investigate and file such charges as applicable or proper.

- C. Officers shall be truthful at all times when providing any court related testimony provided.
- D. Officers shall answer questions, render material, and provide relevant statements to a competent authority in any Departmental personnel investigation, when so directed.
- E. No officer shall willfully misrepresent any matter, sign any false statement or report, commit perjury, or give false testimony before any Court, Grand Jury, board, commission, or in any official or Departmental hearing.
- F. No officer shall knowingly falsify any report, document, or record, or cause to be entered any inaccurate, false or improper information on records, documents or reports of the Department or of any court or alter any record, document or report, except by supplemental record, document or report. No officer shall remove, destroy, or cause the removal or destruction of any report, document or record without authorization.
- G. Officers must be present and available to testify in any Court or before any Grand Jury when officially notified to appear. In criminal cases and in all civil cases, officers shall respond to a legal subpoena (or equivalent) only.
- H. Officers unable to answer to an official summons, for a valid reason, must be excused by the Court or Grand Jury prior to the time they are scheduled to appear. The reason for the excused absence shall be reported to the Chief of Police.
- I. Any officer, who is subpoenaed or that volunteers to testify for the defense in any criminal case, or in any capacity in any civil trial or hearing against the City, the Department, or any City employee or official, shall notify the Chief of Police in writing upon receipt of the subpoena or of his/her intention to testify prior to his appearance as a witness.
- J. No officer shall accept a fee as a witness in any criminal or civil case if the matter relates to the exercise of the employee's official duties.
- K. Officers shall not engage in any of the following conduct:
 - 1. Interfering with the service of lawful process;
 - 2. Interfering with the attendance or testimony of witnesses through coercion, bribery or other means;

3. Attempting to have any Notice to Appear or traffic citation reduced, voided or stricken from the calendar without the approval of the Chief of Police or his designee;
 4. Recommending a dismissal, reduction of charges or other disposition of a pending criminal case which has been previously filed in any criminal court or before any grand jury, except by written approval of the Chief of Police or his designee;
 5. Taking any other action which interferes with the efficiency or integrity of the administration of criminal justice or Departmental discipline; or
 6. Having knowledge of such interference and failing to inform a superior officer immediately in writing.
- L. No officer shall make known any information concerning the progress of an investigation, a known or reported law violation, a condition against which action is to be taken at a future time, or any proposed police operation to any person not authorized to receive such knowledge or information.
- M. Officers shall not communicate in any manner, either directly or indirectly any information, which may assist persons guilty or accused of criminal or quasi-criminal acts to escape arrest or punishment, or which may enable them to dispose of or secrete evidence of an unlawful activity, money, merchandise or other property unlawfully possessed or obtained.
- N. No officer shall establish an inappropriate social relationship with a known victim, witness, suspect, or defendant of a Department case while such case is being investigated or prosecuted as a result of such investigation. (TBP 2.18)
- O. No officer shall release any police report, police record, arrest report, prosecution report, criminal history file, mug shot, photograph or other record or report to any person or agency which does not have a criminal justice function unless ordered by a lawful subpoena or first approved by the Chief of Police or his designee. Officers are authorized to access certain law enforcement documents for the purpose of providing police service, but the dissemination of such documents and information is limited to authorized persons only, and such access shall not be made for other purposes.

IX. CONFLICT OF INTEREST

- A. A conflict of interest arises whenever an officer intentionally disregards the public interest and the officer's duty to the public in favor of other interests, personal or otherwise. Likewise, a conflict exists whenever, due to personal financial interests, an officer is incapable of performing their official duties impartially or chooses not to perform them impartially. A conflict of interest may exist whenever an officer has a substantial personal or private interest in any matter which involves his duties and responsibilities as an officer. The trust of the citizenry demands that an officer take no action which would constitute the use of City employment to advance personal or private interests.
- B. An officer will avoid any action, whether or not specifically prohibited by law, which may reasonably tend to affect his job performance by creating the effect or appearance of:
 - 1. Using public office for private gain;
 - 2. Giving preferential treatment to any person; or
 - 3. Losing independence or impartiality.
- C. Officers while in uniform, on or off duty, shall not endorse or participate in any activity that might tend to bring into question the impartiality or a perception of impartiality of the Police Department toward any group in the performance of the Department's public responsibilities.
- D. All officers will avoid situations which give rise to an actual or apparent conflict between their professional responsibilities and their relationships with other officers.
- E. Officers of the Department will not enter into an on-going, lengthy or continual financially significant off-duty employer/employee or business relationship with members of their chain of command. If this arrangement is seen as necessary or should a transfer or promotion create an apparent violation of this rule, members will immediately notify the Chief of Police or his designee in written memorandum form.
 - 1. The memorandum should detail the nature and extent of such relationship. It then becomes the responsibility of the Chief of Police or his designee to take action appropriate to eliminate the conflict, keeping the best interests of both the Department and the involved officers in mind.

2. The Chief of Police or his designee may determine that no significant conflict exists. If conflict does in fact exist, the Chief may require:
 - a. Changes in assigned duties;
 - b. Changes in assignment;
 - c. Disqualification from a particular assignment; or
 - d. Divestment by the officer of his/her conflicting interest.
- F. Officers shall not, under any circumstances, solicit any gift, gratuity, loan, or fee where there is any direct or indirect relationship between the solicitation and their Departmental membership except as provided by law and approved by the Chief of Police.
- G. Officers shall not accept, either directly or indirectly, any gift, gratuity, reward, loan, fee discount, rebate, or special consideration arising from or offered because of police employment or any activity connected with such employment that might reasonably tend to influence the officer in the discharge of his official duties.
- H. Officers shall not accept a reward or any gift, favor, privilege or employment from any public utility corporation or licensee, the granting of whose license is subject to regulation or approval by the Chief of Police, except as may be authorized by City Ordinance.
- I. No supervisor or officer shall receive any gift or gratuity from officers lesser in rank without the express written permission of the Chief of Police.
- J. Officers shall not buy anything from or sell anything to any complainant, suspect, witness, defendant, prisoner or other person involved in any case which has come to their attention through their employment with the Department, nor can they act as an intermediary in the payment of a reward for the return of stolen property without the prior written authorization of the Chief of Police. This does not prohibit officers from dealing with a legitimate place of business.
- K. Any reward paid or sent to any officer as a result of his official actions shall be promptly submitted, by that officer, to the Chief of Police.
- L. Officers shall not suggest, recommend, advise or otherwise counsel the retention of any towing service, alarm service, attorney, or bail bond broker to any person coming to their attention as a result of police business. This does not apply when a relative or personal acquaintance of the officer seeks such service. In no case may such advice be given where a fee, gratuity or reward is offered by, solicited or accepted from the attorney or bail bondsman.

- M. No officer shall give any lawyer, bondsman, or agent of either, or any other person not authorized, any information regarding prisoners in confinement, property in custody or records of the Department.
- N. Officers shall not furnish bail or act as a principal or surety on any bail bond or bail bond application for any person charged with any type of criminal offense. Exception: Members of their immediate family and only off duty and not as a representative of the City.
- O. No officer while in uniform, on or off duty, shall endorse or participate in any activity which would result in the perception of actual or tacit approval of that activity by the Department without the expressed, written permission of the Chief of Police.
- P. Debts: incurrence and payment.
 - 1. Officers shall not solicit subordinate officers to co-sign or endorse any promissory note or other loan.
 - 2. Officers shall pay all just debts and legal liabilities incurred by them.

X. ETHICAL STANDARDS

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

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

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

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

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

To know and obey orders and instructions at all times.

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

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

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

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

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

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

IACP - CANONS OF POLICE ETHICS

1. **Primary Responsibility of Job.** The primary responsibility of the police service and of the individual police officer, is the protection of the people of the United States through the upholding of their laws. Chief among these is the **Constitution of the United States** and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.
2. **Limitation of Authority.** The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him in enforcing it. Because he represents the legal will of the community, be it local, state or federal, he must be aware of the limitations and proscriptions which the people, through the law, have placed upon him. He must recognize the genius of the American system of government which gives to no man, group of men or institution, absolute power and he must insure that he, as a prime defender of that system, does not pervert its character.
3. **Duty to be Familiar With the Law and With Responsibilities of Self and Other Public Officials.** The law enforcement officer must assiduously apply himself to the study of the principles of the law which he is sworn to uphold. He will make certain his responsibilities in the particulars of their enforcement, seeking aid from his superiors in matters of technicality or principle when these are not clear to him; he will make special effort to fully understand his relationship to other public officials, including law enforcement agencies, particularly on matters of jurisdiction both geographically and substantively.
4. **Utilization of Proper Means to Gain Proper Ends.** The law enforcement officer shall be mindful of his responsibility to pay strict heed to the selection of means in discharging the duties of his office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.
5. **Cooperation With Public Officials in the Discharge of Their Authorized Duties.** The law enforcement officer shall cooperate fully with other police officials in the discharge of authorized duties, regardless of party affiliation or personal prejudices. He shall be meticulous, however, in assuring himself of the propriety, under the law, of such actions and shall guard against the use of his office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, he shall seek authority from his superior officer, giving him a full report of the proposed service or action.

6. **Private Conduct.** The law enforcement officer shall be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officers and the police service. The community and the service require that the law enforcement officer *lead the life of a decent and honorable person*. Following the career of a policeman gives no man special prerequisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of the safeguarding the American public. The officer who reflects upon this tradition will not degrade it. Rather, he will so conduct his private life that the public will regard him as an example of stability, fidelity and morality.
7. **Conduct Toward the Public.** The law enforcement officer, mindful of his responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct his official life in a manner such as will inspire confidence and trust. Thus, he will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of him nor a right to command him. The officer will give service where he can and require compliance with the law. He will do neither from personal preference nor prejudice, but rather as a duly appointed officer of the law discharging his sworn obligation.
8. **Conduct in Arresting and Dealing With Law Violators.** The law enforcement officer shall use his powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. His office **gives him no right** to prosecute the violator nor to mete out punishment for the offense. He shall, at all times, have clear appreciation of his responsibilities and limitations regarding detention of the violator; he shall conduct himself in such a manner as will minimize the possibility of having to use force. To this end, he shall cultivate a dedication to the service of the people and the equitable upholding of their laws whether in handling of law violators or in dealing with the law abiding.
9. **Gifts and Favors.** The law enforcement officer, representing government, bears the heavy responsibility of maintaining, in his own conduct, the honor and integrity of all government institutions. He shall, therefore, guard against placing himself in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, he should be firm in refusing gifts, favors or gratuities, large or small which can, in the public mind, be interpreted as capable of influencing his judgment in the discharge of his duties.

10. **Presentation of Evidence.** The law enforcement officer shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he will ignore social, political and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word. The law enforcement officer shall take special pains to increase his perception and skill of observation, mindful that in many situations, his is the sole impartial testimony to the facts of a case.
11. **Attitude Toward Profession.** The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self improvement, he shall strive to make the best possible application of science to the solution of crime and, in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office, hold police work to be an honorable profession rendering valuable service to his community and his country.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 202 Bias Based Policing	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

The Terrell Hills Police Department is committed to a respect for constitutional rights in the performance of our duties. To achieve success, we must have the respect and support of the community, which is gained through the respect and support that we afford in-turn towards our community as a whole. In order to accomplish this, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, national origin, ethnicity, age, or religion. In today's society, everyone carries some type of bias. In law enforcement, however, the failure to control our biases can lead to illegal arrests, searches, and seizures ultimately leading up to the violation of a person's constitutional rights, those very rights which we swore to uphold and protect, thus thwarting the mission of our Department. Most importantly behaviors, guided or influenced by bias, destroy the very trust and respect essential for our mission to succeed. The communities that we live in and serve are very diverse in population, therefore it is crucially imperative that we individually, as well as collectively, respect diversity and practice equitable enforcement of the law, as these are essential to achieving our mission.

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches, and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, sex, sexual orientation, gender, national origin, ethnicity, age, or religion. Officers shall base all such actions on a reasonable suspicion that the person, or an occupant of a vehicle, committed an offense.

All Departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

II. PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

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

- A. Bias: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased policing: Stopping, detaining, searching, attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. Ethnicity: A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.
- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Probable Cause: Facts, apparent facts, and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a person of reasonable caution, to believe that an offense has been or is being committed, and that the suspect has committed it.
- F. Race: A category of people of a particular decent, including Caucasian, African, Asian, or Native American. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.
- G. Racial profiling: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. Reasonable suspicion: Articulable, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."

- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- J. Stop: The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is an investigative detention.

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, national origin, citizenship, religion, ethnicity, age, gender, color, creed, sexual orientation, disability, or economic status. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes.
2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
 - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
4. All officers shall treat everyone with the same courtesy and respect that they would have others observe to Department personnel. To this end, officers are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
 - a. Officers shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.

5. When feasible, officers shall offer explanations of the reasons for enforcement actions or other decisions that bear on individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel shall thank him or her for cooperating.
6. When feasible, all officers shall identify themselves by name. When a person requests the information, officers shall give their Departmental identification number (badge number), name of the immediate supervisor, or any other reasonable information.
7. All officers are accountable for their actions. Officers shall justify their actions when required.

B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the Department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that officers, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to the officers as well. Lack of control over bias also exposes the Department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.
5. Supervisors shall ensure that all enforcement actions are duly documented per Departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
6. Supervisors shall facilitate the filing of any complaints about law enforcement service.

C. Disciplinary consequences

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

D. Training

1. Officers shall complete all training required by state law regarding bias based profiling to include receipt of an annual training bulletin issued each February by the Chief of Police.

V. COMPLAINTS

- A. Any person who believes that a peace officer employed by the City of Terrell Hills has engaged in racial profiling with respect to that person is encouraged to file a complaint with the City, and no person shall be discouraged, intimidated or coerced, or be discriminated against because they have filed such a complaint.
- B. The City shall accept and investigate citizen complaints alleging racial profiling by its police officers. Such complaints shall be in writing, or the City employee, officer, or official receiving the complaint should reduce the same to writing and should include the time, place and details of the incident of alleged racial profiling, the identity or description of the peace officer or officers involved, and the identity and manner of contacting the complainant.
- C. Any peace officer, City employee, or City official who receives a citizen complaint alleging racial profiling shall forward the complaint to the Chief of Police within 12 hours of receipt of the complaint. Receipt of each complaint shall be acknowledged to the complainant in writing, all such complaints shall be reviewed and investigated by the Chief of Police within a reasonable period of time, and the results of the Chief's review and investigation shall be filled with the City Administrator and with the complainant.
- D. In investigating a complaint alleging racial profiling, the Chief of Police shall seek to determine if the officer who is the subject of the complaint has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures. A single act constituting racial profiling may not be considered a pattern of racial profiling, and may not be grounds for corrective action.
- E. In the event that a complaint of racial profiling filed by an individual involves an occurrence that was recorded on audio or video, the Chief of Police shall, upon commencement of the investigation of the complaint and upon written request of the officer, promptly provide a copy of the recording to the peace officer that is the subject of the complaint.

- F. The Terrell Hills Police Department shall provide education to the public concerning the racial profiling complaint process. A summary of the public education efforts made during the proceeding year shall be included with the annual report filed with the Terrell Hills City Council.

VI. RECORD KEEPING

- A. The Department will maintain all required records on traffic stops where a citation is issued or where an arrest is made subsequent to a traffic stop pursuant to state law.
- B. The information collected above will be reported to the City Council annually.
- C. The information will also be reported to TCLEOSE in the required format.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 203 Sexual and Other Illegal Harassment	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference: City of Terrell Hills Employee Handbook Sec 13-1	

I. POLICY

The City of Terrell Hills' desire is to provide a professional, healthy and businesslike work environment free from all forms of employee discrimination including incidents of sexual or other forms of illegal harassment. The City as a whole has implemented a "Zero-Tolerance Policy" to ensure that no employee shall be subjected to unsolicited or un-welcomed offensive behavior, to include, but not specifically limited to, sexual overtures or conduct either verbal or physical in nature. This behavior in question need not occur only during work hours on agency premises, but may occur before or after work at other locations, as long as some type of employee-employee, employee-supervisor, or employee-management relationship exists. Sexual or other unlawful harassment is misconduct and expressly prohibited, which the City as a whole will not tolerate under any circumstance. For the purposes of this section, the term "employee" refers to all persons employed by the City, both in a sworn and non-sworn capacity.

II. PURPOSE

To define and give examples of sexual harassment, outline prohibited behavior, and describe reporting procedures.

III. DEFINITIONS

A. Sexual harassment

The Civil Rights Act of 1964 prohibits discrimination based on color, race, religion, age, national origin, and sex. Sexual harassment is a form of sex discrimination, defined as unwelcome sexual advances, requests for favors, and other verbal or physical conduct that enters into employment decisions, or conduct that unreasonably interferes with an employee's work performance or which creates an intimidating, hostile, or offensive working environment. Two kinds of sexual harassment apply; quid pro quo harassment and hostile work environment harassment, defined below. The two forms of harassment may overlap.

B. Quid pro quo harassment

This form of harassment occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit. (Quid pro quo means "something for something.") This form of harassment normally occurs between a supervisor or management and a subordinate, where the harasser has power to control or affect the harassee's work benefits or conditions. Note that this form of harassment is not limited to express demands for sexual favors, but may be implied by circumstances (e.g., offering an employee sexually explicit materials).

Examples of this form of harassment include a request for sexual favors, accompanied by implied or overt threats concerning a person's employment status, or promise of preferential treatment in terms of benefits or status; granting job favors to those who participate in consensual sexual activity while penalizing those who refuse to participate; unwanted, intentional touching (patting, massaging, rubbing, hugging, pinching); telephoning or following an employee, during work hours or not, and either harassing the employee or directly requesting sexual favors.

C. Hostile work environment harassment

This form of harassment is unwelcome conduct that is so severe or pervasive as to impair the conditions of the victim's employment, thus creating an intimidating, hostile, unhealthy, or offensive work environment.

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

IV. PROHIBITED CONDUCT

- A. The City of Terrell Hills, as a whole, has a zero tolerance for any form of sexual or other illegal harassment at the work place regardless of which department the employee is assigned to.

- B. Supervisors shall ensure that pornographic or suggestive photographs, illustrations, emails, or cartoons shall not be posted or kept in any area of the Department including locker rooms, City Computers, desks, offices or other locations. Materials of this kind used for investigative purposes shall be properly secured according to evidentiary standards.
- C. Supervisors shall order employees on Department premises who are making sexually hostile comments, or degrading remarks about other persons of the same or opposite sex to immediately cease doing so or face discipline.
- D. Employees shall avoid inappropriate physical contact with one another unless required by a training situation or police procedure. Kissing, back rubbing, embracing, and other unnecessary touching with another employee, a significant other, or a potential significant other is strictly prohibited anywhere while on duty.
- E. Personnel shall not retaliate against any person for reporting sexual harassment, giving testimony, or participating in the investigation. Retaliation in any form shall result in discipline.

V. PROCEDURES

A. Employee Responsibilities

1. An employee who believes he or she has been sexually harassed should first tell the offender to cease the inappropriate behavior, although circumstances may not always allow the complainant to make this request. If the conduct does not stop, or if the complainant is unable to confront the offender, the complainant shall immediately contact an on-duty supervisor. The supervisor shall immediately order the alleged offender- if he/she is on-duty-to cease all unwanted, unwelcomed, and offensive behavior immediately. The employee and supervisor will then submit a memorandum directly to the Chief of Police detailing circumstances within 48 hours. Employees may also report incidents of harassment directly to the Chief of Police or the City Administration if the offender is a higher ranking member of the Department. If a supervisor learns of an incident of harassment, he or she shall immediately report the matter to the Chief of Police even if the victim did not submit a complaint.
2. If the complainant is not an employee of the Department, the complaint itself is considered no less valid and shall be investigated according to the procedures set forth in this order and in accordance with the Departmental Internal Investigation process.

3. Employees must understand that sexual harassment can become a criminal matter. Allegations of stalking, assault, and sexual assault shall be handled immediately as criminal investigations.
4. Each employee of this agency is responsible for assisting in the prevention of harassment and discrimination by:
 - a. refraining from participation in or encouragement of action that could be perceived as harassment and discrimination;
 - b. reporting observed acts of harassment and discrimination to a supervisor, and
 - c. encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
5. Failure of any employee to carry out their responsibilities as defined in this policy will be considered grounds for discipline.

B. Supervisor Responsibilities:

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

3. If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
 4. Any proscribed conduct covered by this policy that comes to the attention of a supervisor shall result in an immediate and thorough investigation.
 5. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment and discrimination in documenting and filing a complaint.
- C. When an employee reports an allegation of sexual harassment, a confidential internal investigation shall begin immediately.
1. The Chief of Police shall immediately take action to limit the concerned employees from any further work contact with the alleged offender.
 2. The Chief of Police shall conduct an investigation pursuant to the provisions of the Departmental Internal Investigation process.
 3. If the sexual harassment allegation is not resolved to the satisfaction of the complainant, eligible employees may invoke the Departmental grievance procedure.
- D. The Chief of Police shall report all such allegations to the City Manager without delay.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 204 Internal Investigation Process	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

The image and reputation of the Terrell Hills Police Department as a whole depends on the cumulative personal integrity and discipline of its all of its officers. To a large degree, the public's perception of the Department is determined by a professional response to any allegations of misconduct or wrongdoing against its officers. The Department must competently and impartially investigate all allegations of misconduct or wrongdoing against its officers, as well as all complaints bearing on the department's response to the community's needs. The Department recognizes that its personnel are often subject to intense pressures in the discharge of their duties. All officers must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In these situations, actions and responses often require split second decision-making, and as a result, actions and events frequently result in misunderstandings and confusion. It is to the advantage of all officers to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved in light of the complicated pressures of law enforcement work.

II. PURPOSE

To clearly establish procedures for the filing of complaints against officers, the investigation of such complaints. and to list and define the dispositions of these complaints.

III. PROCEDURES – GENERAL

A. Receipt of complaints

The Terrell Hills Police Department encourages any person to bring forward grievances regarding misconduct or any type of wrongdoing by its officers. Supervisors shall accept all complaints courteously and shall handle them efficiently. All officers are obligated to explain complaint procedures to anyone who inquires.

B. Responsibilities of supervisors

1. First-line supervisors are primarily responsible for enforcing conformance with Departmental standards and orders.

2. First-line supervisors shall know the officers in their charge by closely observing their conduct and appearance.
3. First-line supervisors shall be alert to behavioral changes or problems in their subordinates and, if necessary, document these changes and confer with higher authorities. The first-line supervisor shall assess the behavior and take or recommend appropriate action.
4. The supervisor shall recommend and, if appropriate, help conduct extra training for officers not performing according to established standards.
5. The first-line supervisor shall employ counseling techniques sanctioned by the Department. Counseling is used to adjust and correct minor, infrequent errors, instances of poor performance, and to ascertain the nature of any professional or personal problems that bear on performance.
 - a. The supervisor shall document all instances of counseling.

6. Level I Complaints

- a. **Crime** – Complaint of involvement in criminal conduct or activity, such as bribery, theft, perjury, etc.
- b. **Excessive Force** – Complaint that the use or threatened use of force against a person was unreasonable and/or unnecessary under the circumstances.
- c. **Arrest/Detention** – Complaint that the restraint of a person's liberty occurred without probable cause, reasonable suspicion, or other legal valid reason.
- d. **Entry** – Complaint that entry into a building or other property was improper and/or excessive damage was caused to the property to gain entry.
- e. **Search** – Complaint that the search of a person or property was illegal, unreasonable, or unjustified.
- f. **Harassment** – Complaint that taking, failing to take, or the method of police action was predicated upon factors that were irrelevant, such as race, attire, sex, age, or anything prohibited behavior outlined Policy 203.
- g. **Serious Policy Infractions** – Complaint such as disrespect toward a supervisor, intoxication on duty, sleeping on duty, neglect or dereliction of duty, false statements, or malingering.

7. Level II Complaints

- a. Demeanor** – Complaint that an employee’s manner, gesture, language, or other actions were offensive, inappropriate, uncaring, or gave the appearance of a conflict of interest or misuse of influence or authority.
- b. Minor Rule Infraction** – Complaint such as tardiness, faulty driving, excessive sick leave, or failure to comply with minor established Department or City policies and procedures.

IV. REQUIREMENTS FOR MAKING FORMAL COMPLAINTS

Personnel complaints shall comply with Section 614.022, Government Code, as interpreted by the City Attorney’s office.

- A. Persons wishing to make formal complaints must do so in writing and will be provided with the authorized Terrell Hills Police Department complaint packet.
- B. All written complaints must be signed by the person making the complaint and notarized. Normally at least one or more notaries are on duty during normal business hours.
- C. An internally originated complaint may be made by any supervisor, officer, or other City employee by submitting a written notarized affidavit.
- D. The Chief of Police may serve as the complainant of an externally originated complaint that cannot or will not be made by the original complainant as outlined in paragraph A of this Section. This shall be done only upon substantial evidence that an investigative infraction has occurred.

V. TIME LIMIT ON ACCEPTING COMPLAINTS

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

- A. When the complaint involves a criminal violation, the criminal statute of limitations will prevail. However, such limitations shall not prevent the Chief of Police from taking disciplinary action deemed necessary to preserve the integrity of the Department.
- B. When the complainant can show good cause for not making the complaint within the specified time limit, the complaint may be accepted. This determination shall be made by the Chief of Police.
- C. When otherwise authorized by the Chief of Police.

VI. ANONYMOUS COMPLAINTS

Anonymous complaints, limited to alleged violations of law or serious violations of policy only, shall be investigated only at the specific direction of the Chief of Police. If a preliminary investigation identifies a violation, the formal complaint may be initiated by the Chief of Police or designee.

Complaints regarding law-enforcement operations will usually be handled through the chain of command, beginning with the first-line supervisor. Complaints involving how law-enforcement service is provided or a failure to provide service or improper attitudes or behavior may be investigated by an assigned supervisor or by the Chief of Police.

Depending on the severity and nature of the complaint, the Chief of Police may request another agency to undertake the investigation.

VII. COMPLAINT HANDLING PROCEDURES

- A. All complaints, regardless of nature, can be filed in person, by mail, or by phone at any time. As part of the follow-up investigation, persons making complaints by mail or phone shall be interviewed and a written, signed, and notarized complaint prepared, before any additional investigative effort is made. Anonymous complaints satisfying Section VI shall be followed up to the greatest extent possible. In case of an anonymous complaint, the officer or other person who receives the anonymous complaint shall put the complaint in writing in memorandum form with as much information as possible and forward the report to the Chief of Police.
- B. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of any person's complaint. Any officer who interferes with, discourages, or delays or hampers the making of any complaint shall be subject to immediate disciplinary action, to include termination.
- C. Normally, a person with a complaint shall be referred to a supervisor or the Chief of Police who shall assist the individual in recording pertinent information. If initially reported to a supervisor, the first-line supervisor shall conduct a preliminary investigation. The Chief of Police may, if appropriate, conduct a preliminary investigation. The preliminary investigation consists of questioning the officer, complainants, or witnesses, and securing evidence.

- D. Upon completion of the preliminary investigation, the following documents shall be prepared and forwarded through the chain of command:
1. a report of the alleged violation;
 2. any documents and evidence pertinent to the investigation;
 3. the recommendation for further investigation or other disposition.
- E. If the first-line supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, appears to have a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor or investigator shall note these conditions. Any visible marks or injuries relative to the allegation shall be noted and photographed.
- F. Prisoners or arrestees also may make complaints. Circumstances may require that a Department representative meet the complainant at a jail or prison facility for an interview. If appropriate, the representative will have photographs taken of prisoner's injuries.
- G. An employee who receives a complaint through U.S. mail shall place the correspondence and original mailing envelope in a sealed envelope and forward it to the Chief of Police, who shall determine investigative responsibility.
- H. Telephone complaints received by dispatchers shall be courteously and promptly referred to a supervisor or the Chief of Police. The dispatcher shall record the name and telephone number of the complainant and have the Chief of Police or on-duty supervisor call back as soon as possible.
- I. The above procedure may also be used when any City Employee, regardless of department, desires to enter a complaint against any other employee governed by this order.
- J. In every case, the Chief of Police will be notified of any complaint as soon as possible by the supervisor receiving the complaint. Complaints received overnight will be brought to the Chief's attention the next workday. Complaints alleging a violation of the law or any serious violation should be reported immediately regardless of the time of day.

(TBP 2.07)

VIII. DISPOSITION OF COMPLAINTS

The Chief of Police or designee shall:

- A. Notify the complainant, in writing, as soon as possible, that the Department acknowledges receipt of the complaint, that it is under investigation, and that the complainant will be advised of the outcome.
- B. Enter the complaint into the complaint log, assign a complaint number, and have the complaint investigated. Minor complaints alleging rudeness, minor policy violations, and performance issues may be assigned to a supervisor for investigation and resolution. Allegations of a violation of the law or serious policy violations will be investigated by the Chief of Police, an investigator assigned by the Chief of Police, or an outside agency as determined by the Chief.
- C. Maintain complaint files separate from personnel files, and secure from unauthorized access. Such files shall be kept in locked file cabinets and their access limited to the Chief of Police or his designee.
- D. Take disciplinary action following the investigation, if appropriate.

IX. DISPOSITION OF A SERIOUS COMPLAINT

- A. Allegations of misconduct that may result in the discharge, suspension, or demotion of an officer, or where criminal charges are being sought, are serious complaints. The term "serious complaint," in this manual, is synonymous with "internal investigation." If a criminal offense is alleged, two separate investigations shall be conducted, a criminal investigation as well as an administrative or Internal Investigation. The criminal investigation examines compliance with the criminal law while the Internal Investigation determines compliance with policy and procedure. The Chief of Police will assign these investigations as required.
- B. In cases of serious complaints the Chief of Police shall:
 - 1. Determine if the officer being complained on should remain on-duty, be assigned to non-contact assignments, or be put on administrative leave until completion of the investigations.
 - 2. Determine and assign responsibility for the investigations.
 - 3. Cause the complaint to be registered and assigned an investigation number in the complaint log.

4. Maintain close liaison with the district attorney in investigating alleged criminal conduct. Where liability is at issue, the Chief shall similarly maintain contact with the City attorney or legal counsel.
- C. All investigations will be completed within 30 days of initial complaint to include the taking of disciplinary action when necessary. If additional time is necessary to conclude the investigation, a request for extension will be presented to the Chief of Police, in writing, providing justification for the extension. If approved by the Chief of Police, an extension will be granted stipulating a specific number of days, of which a copy will be provided to the involved officer and the original placed in the case file. (TBP 2.05)
- D. Upon completion of any investigation, The Chief of Police will notify the complainant in writing, of the results of the investigation and any action taken. (TBP 2.10)

X. INVESTIGATIVE PROCEDURES

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

1. Assistance of legal counsel

- i. Employees are not permitted to have a legal representative present with them in the room during any administrative interview
- ii. Employees may choose to have a legal representative present with them in the room as provided by Texas Code of Criminal Procedure Article 38.22. during any criminal interview

3. All Interviews

- i. Prior to being interviewed, the subject employee shall be advised of the nature of the complaint and provided with a copy of the complaint.
- ii. All interviews will be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required.
- iii. At the start of all interviews, the name and rank or position of anyone present in the interview will be so reflected.

- iv. The complete interview shall be audio and/or video recorded. The recording will stipulate the date and time the interview began and terminated, and also the time any breaks were taken in the interview process, who requested the break, and the time when the interview resumed.
- v. The employee shall be provided with the name of all persons present during the interview, if requested.

4. Interviews for criminal investigative purposes

- i. If the Chief of Police believes that criminal prosecutions are possible and wishes to use statements against the employee in a criminal proceeding, or at least wishes to maintain the option of their use, he or the primary interviewer shall:
 - 1. Give the employee the rights as specified in Texas Code of Criminal Procedure Article 38.22.
 - 2. Advise the employee that if he asserts his right not to answer questions, no adverse administrative action will be taken based upon the refusal.
 - 3. Advise the employee that if they decide to answer questions at this point, their responses may be used in both criminal and disciplinary proceedings.

5. Interview for administrative purposes

- a. If the Chief of Police wishes to compel an employee to answer questions (Miranda Rights non-applicable) directly related to his or her official duties, the Chief of Police or primary interviewer shall advise the employee that:
 - i. This is an internal administrative investigation only.
 - ii. They will be asked and are required to answer all questions specifically related to the performance of their duties and their fitness for office.
 - . All questions specifically related to employment must be fully and truthfully answered.
 - iii. If they refuse to answer these questions, they can be subject to discipline that can be discharge or removal from office.

- v. That any answers given are to be used solely for internal administrative purposes and cannot be used in any subsequent criminal prosecution should such occur.
- i. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted.
- ii. The answers obtained may be used in subsequent disciplinary proceedings that may result in reprimand, demotion, suspension, or ultimately dismissal.

XI. INVESTIGATIVE TOOLS AND RESOURCES

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

- i. Medical and laboratory examination or testing.
- ii. The Chief of Police or officer in authority may, based on reasonable suspicion or his observation, require a Department employee to submit to a test for alcohol or drug use while on duty. The results of such test may be used in a disciplinary hearing only. Refusal to submit to the test will be grounds for disciplinary action and may result in the employee's dismissal.
 - 1. If the employee is believed to be under the influence of alcohol, a licensed breathalyzer operator shall administer the test. The Chief of Police or officer in authority shall witness the test and sign the report.
- iii. If the employee has a reading of .02 or higher, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty by the Chief of Police or officer in authority.
- iv. If the employee is believed to be under the influence of self-administered drugs, he may be compelled to submit to a blood or urine test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample shall be handled using the same safeguards as evidence in a criminal process.
- v. If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the employee shall be relieved of duty as soon as possible by the Chief of Police or other officer in authority.

- vi. If an employee refuses to submit to a test, (alcohol or drugs) then the Chief of Police or other officer in authority shall immediately relieve the employee from duty (unpaid leave) for failure to cooperate in an administrative investigation.
- vii. Property assigned to the employee but belonging to the Department is subject to inspection where the Department has a reasonable suspicion that evidence of work-related misconduct may be found therein. Department property includes, but is not limited to, files, emails or files maintained on any City computer, lockers, desks, and vehicles.

B. Photograph and lineup identification procedures

- i. Officers may be required to stand in a lineup for viewing for the purpose of identifying an employee accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action and may result in dismissal if the criminal prosecution is not anticipated.
- ii. Photographs of Department employees may be maintained and used by the Chief or his designee for the purpose of identification of an employee accused of misconduct.

C. Financial disclosure statements

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

D. Polygraph

- i. All personnel shall be required to submit to a polygraph if ordered to do so by the Chief of Police.
- ii. The Police Chief may order employees to take a polygraph when:
 - 1. The complainant has taken and passed a polygraph concerning the incident. (Unless the complainant is willing to submit to testing, but the polygraph operator determines the complainant is not a fit subject due to mental condition, age, or medication).
 - 2. Even if the complainant does or does not take a polygraph or is anonymous, but the complaint is of such a nature to bring severe discredit and suspicion on the Department and cannot be satisfactorily resolved in any other manner.

- iii. The results of the polygraph examination shall not be used as the sole basis for disciplinary action against any employee.
- iv. Any polygraph examination given under the provisions of this order shall be administered by a private contractor licensed to administer polygraph examinations in the State of Texas or must be a licensed examiner from another law-enforcement agency.
- v. Refusal to submit to a polygraph examination or to answer all questions pertaining to the charges in the polygraph examination, or deliberately impede the administration of the polygraph shall be grounds for disciplinary action and may result in dismissal from the department.

XII. ADJUDICATION OF COMPLAINTS

A. The Chief of Police will classify completed internal affairs investigations as:

- vi. Unfounded - no truth to allegations.
- vii. Exonerated - allegations true but are the result of adherence to Departmental policy or procedure. Exonerated complaints will be reviewed by the Chief of Police for policy issues.
- viii. Not sustained - unable to verify the truth of the matters under investigation.
- ix. Sustained - allegations are true. Complaints will not be classified as sustained unless based on a finding of facts determined during the investigation.

B. Completed investigations classified as unfounded, exonerated, not sustained, or policy failure will be maintained in internal affairs files in the Chief's office. Sustained complaints shall be filed in the individual employee's Department personnel file with a copy in the internal affairs files.

C. Disciplinary action taken shall be determined by the seriousness of the violation, the extent of injury to the victim, and the officer's prior disciplinary history. Disciplinary action shall commensurate with the circumstances surrounding the incident and in consideration of the employee's service record and prior sustained complaints.

D. Complaint Records

- i. The Department shall maintain a log of all complaints.
- ii. The complaints and internal investigative files shall be kept in a secure area and shall be maintained in accordance with state law and city policy. Such files will be kept in locked cabinets and any access shall be limited to the Chief of Police or his/her designee. (TBP 2.09)
- iii. The Chief shall direct a periodic audit of complaints to ascertain a need for training or a revision of policy.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 205 Employee Disciplinary Process	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

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

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

II. PURPOSE

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

III. DEFINITIONS

A. Days

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

B. Moral turpitude

An intentional act or behavior displayed in words or actions which violates public morals or the common sense of the community involving but not limited to intent to defraud, intentional dishonesty for personal gain, lying, perjury, subordination of perjury, cheating, bribery, unlawful possession of controlled substances, sexual harassment, unlawful sexual conduct, or excessive use of force.

C. Relief from duty

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

D. Discipline

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

IV. PROCEDURES

A. Positive discipline

1. Positive discipline, also known as positive re-enforcement, seeks or rewards voluntary compliance with established policies, procedures, orders. Methods of positive discipline include:

- a. Recognition of excellent job performance through rewards or awards.
- b. When people outside the Department compliment an employee's performance, the person who receives the information shall make a record of the comments and pass them to the employee's supervisor. When the Chief receives a citizen compliment about an officer, he or she should write a thank-you note to the citizen. Copies of the person's statement and the Chief's response shall be sent to the officer involved, the supervisor and, a copy of all correspondence shall be placed in the officer's personnel file.
- c. Truly exceptional acts shall be clearly and promptly identified to the Chief of Police. These acts may be the basis for special awards or special recognition by City Council, community groups or media coverage.

2. Discussion and counseling

3. Training

B. Consistency in discipline;

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

C. Relief from duty

1. An employee may be relieved from duty whenever the Chief of Police, Asst. Chief, Lieutenant or shift supervisor questions an officer's physical or psychological fitness for duty. Normally an internal investigation will follow.
2. The Asst. Chief, Lieutenant or shift supervisor has authority to relieve an employee from duty, but must promptly report this action to the Chief of Police, accompanied by a written report setting forth details and circumstances.
3. If the necessity to relieve from duty is not immediate, the behavior or actions of the officer shall be deemed a matter for internal investigation. In an internal investigation, only the Chief of Police may relieve an officer from duty. Only the Chief of Police, under consultation with the City Manager, may suspend an officer without pay.
4. An officer who refuses to obey a direct order in conformance with the Department's orders may be relieved from duty by the sergeant or shift supervisor, who may recommend suspension to the Chief of Police. The Chief, in consultation with the City Manager, may then suspend without pay.

D. Penalties

The following options are available:

1. Documented oral reprimand; counseling; and training
2. Written reprimand.
3. Suspension without pay.
4. Dismissal from Department.

E. Documented oral reprimand; counseling and/or training

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

3. Oral reprimand/counseling may involve remedial training. This training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance at academy classes, in-service, or other training specially created to help the officer correct or modify his or her behavior. Remedial training is reasonably offered until the officer can demonstrate proficiency in the corrected behavior. All training shall be documented.
4. If the officer's actions did not result in a formal internal investigation and officer has not behaved improperly following counseling for two years, the record of counseling may be expunged from the officer's personnel file upon request. Accumulation of three oral reprimands in a twelve month period may result in a written reprimand or suspension, depending on circumstances.
5. Supervisors are expected to informally counsel officers regularly without waiting on instances of poor performance. Most counseling is informal, positive, supportive, and often undocumented.
6. Supervisors are responsible for counseling officers concerning job-related matters, within their capabilities. Many things can affect the job and an officer's performance, so job-related counseling may involve family and other individual, personal subjects. Counseling may include identification of unacceptable behaviors or actions, specifically what was done wrong and the desired or acceptable performance. Counseling can attempt to determine the reason for the particular behavior, determine and recommend how to correct or improve performance or to solve the problem.

F. Written reprimand

1. A written reprimand, issued by the Chief of Police, cautions an officer about poor behavior, sets forth the corrected or modified behavior mandated by the department, and specifies the penalty in case of recurrent poor behavior. A written reprimand becomes a permanent part of the officer's personnel record.
1. An officer may appeal a written reprimand in writing within five (5) days of its receipt to the City Manager. The City Manager will review the facts, meet with the parties involved, and respond in writing to the officer within (5) five working days of the date the appeal was received by the City Manager. **(Final step for all grievances and disciplinary action less than a termination)**

G. Suspension without pay

1. If the situation warrants, the Chief of Police, in consultation with the City Manager, may suspend an officer without pay, or take other measures normally considered equivalent to a suspension without pay, such as the forfeiture accrued compensatory time.
2. Suspensions without pay will normally apply to a period of up to 30 days, as determined by the Chief of Police and the City Manager.
3. If an officer becomes a candidate for suspension a second time within one year of the first suspension, the officer may be dismissed.
4. Suspensions resulting from the arrest or criminal investigation of an officer may be indefinite or result in termination.
 - a. Should an officer be arrested or identified as a suspect in any felony, misdemeanor involving violence or moral turpitude, family violence or DWI, the officer shall immediately be placed on administrative leave with pay and an internal investigation shall commence. At the conclusion of the internal investigation the Chief of Police may, with the approval of the City Manager, take appropriate disciplinary action based on the results of the internal investigation, including indefinite suspension or termination.
 - b. Terminations may result from other criminal infractions.
 - c. If an officer is acquitted of criminal charges, the officer may yet be disciplined at the discretion of the Chief of Police or reinstated with full or partial back pay.
5. Any officer suspended without pay shall return his or her badge, identification card, and issued firearm.
6. During any type of suspension, the officer shall not undertake any official duties nor work any off-duty employment directly related or afforded by their position as a peace officer.
7. An officer may appeal a suspension or demotion in writing within five (5) days of its receipt to the City Manager. The City Manager will review the facts, meet with the parties involved, and respond in writing to the officer

within (5) five working days of the date the appeal was received by the City Manager. **(Final step for all grievances and disciplinary action less than a termination)**

H. Termination

1. All officers are hired at will and may be dismissed at any time, with or without prior notice, as long as the action is not discriminatory under existing federal and state statutes.
2. Terminations are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the misbehavior.
2. Final Appeal – If the officer is dissatisfied with the City Manager’s appeal decision on termination, they must appeal, within (10) ten working days after the appeal decision was received, to City Council for a review of the termination. The written appeal shall be given to the City Secretary who will date stamp the document envelope received and forward it to the Mayor within (5) five working days of receiving the written appeal. After review by City Council, a written decision of the grievance will be provided to the employee within (10) ten working days after its review.

I. Reporting arrests

Any officer that is arrested for, charged with, required to appear as a defendant in any criminal court, or ultimately convicted of any crime must inform the Chief of Police in writing immediately. In the event an officer must appear testify in any civil court proceeding, that officer must inform the Chief of Police as a soon as possible. Officers do not have to report parking tickets. Officers shall report any traffic summons that they have received for any moving traffic offenses, insurance violations, or any driver license violations (DL Restrictions, DWLI, Expired DL, etc). Failure to notify the Department of the foregoing shall be cause for dismissal.

V. PROGRESSIVE DISCIPLINE

- A. Except for gross breaches of discipline, moral turpitude, or serious violations of law or conduct, the Department generally follows the principles of progressive discipline.
- B. Officers in training or on probationary status shall be dismissed, suspended, or otherwise disciplined according to the foregoing. The only difference is that an officer in training has no right of appeal. In the case of a dismissed officer in

training, the official record shall merely indicate that the person was dismissed during the training phase of employment.

VI. ADMINISTRATION OF SUSPENSIONS OR DISMISSALS

- A. After an appropriate investigation, should the Chief of Police sustain the allegation and determine that the discipline may be a suspension or termination; the Chief may request review of the investigation by the officer's chain of command to obtain their recommendations for disciplinary action.
- B. The Chief of Police will again review the investigation, considering the recommendations and the officers input. The Chief of Police will then either make a determination regarding the rendering of any discipline or send the investigation back for further investigation.
- C. The Chief will then meet with the officer to inform him or her of his decision. The Chief will present the officer with a letter outlining the discipline, the effective date of the discipline, the reason(s) for the discipline, and the officer's appeal rights.
- D. Copies of all investigations resulting in disciplinary action and all disciplinary related paperwork will be filed in the officer's personnel file. A copy of the complete investigation will be maintained in the internal investigations files.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 206 Accident and Injury Prevention	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference: City of Terrell Hills Employee Manual Sec 19-52, Sec 19-62	

I. POLICY

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

II. PURPOSE

This policy provides the authority, and operating procedures for review of agency motor vehicle accidents and workplace injuries.

III. DEFINITIONS

- A. Motor Vehicle Accident: For purposes of this policy, a motor vehicle accident is the collision of a City owned vehicle, with another vehicle, stationary object, or person, that results in any property damage or any personal injury to anyone or anything.
- B. Personal Injury: For purposes of this policy, a personal injury is any injury to any person resulting in immediate and/or subsequent treatment by an EMS Technician, physician, or other medical professional, or in the case of an officer, any injury requiring reporting under workers compensation rules.

IV. PROCEDURES:

A. Training

1. The department will provide on-going training to all officers on accident and injury prevention.
2. All officers shall complete or submit satisfactory proof of having completed an Emergency Driving Course.

B. Accident Review Board Authority and Responsibilities

1. This agency's Accident Review Board shall be responsible for conducting administrative reviews and/or hearings regarding agency motor vehicle crashes and on-duty personal injuries of agency personnel.
2. The Accident Review Board is responsible for reviewing all aspects of these incidents and identifying causative and/or contributory factors, where possible.
3. The Accident Review Board may draw conclusions concerning whether the accident or injury was preventable, and may recommend discipline or other personnel action.
4. The Accident Review Board shall present findings and make final recommendations to the Chief of Police.

C. Board Composition

1. The Accident Review Board shall consist of three voting members as determined and selected by the Chief of Police. The Board will be comprised of (1) Patrol Lieutenant (1) Patrol Sergeant, and (1) Patrol Officer. The patrol sergeant and patrol officer may not be working on the same shift as that of the officer under review. Each member of the board has one (1) vote.
2. Each member of the Accident Review Board will agree to maintain the right of privacy for the reviewed officer and hold in confidence all allegations, facts, testimony and evidence brought forth before the board.

D. Accident Case Findings

1. A vote is taken to determine a finding in the case, either chargeable or non-chargeable, as determined by the majority.
2. The determined finding will be presented in writing, signed by all board members, and presented to the Chief of Police,

E. Following a finding of “Chargeable”

1. A discussion is held and information is presented to assign a point value to the **Chargeable Accident** only. Point assessment for chargeable accidents involving a City vehicle are as prescribed by sec 19-52 of the City of Terrell Hills Personnel Policy, and are as follows
 - a. Damage to the city vehicle- 4 points
 - b. Bodily injury to any person- 5 points.
2. Based on the officer’s cumulative point assessment total, once an officer reaches 10 points or more in a three-year period, the officer shall not be eligible for driving/operating privileges, as prescribed by Sec 19-51 of the City of Terrell Hills Personnel Policy.
3. Officers who have been ruled ineligible to drive city vehicles or equipment due to their driving record shall be subject to disciplinary actions to include termination, as per sec 19-62 of the City of Terrell Hills Personnel Policy.

F. ACCIDENT REPORTING

1. Any officer operating city-owned equipment or city-owned vehicles must report all vehicular accidents involving any property damage or injury to the on-duty supervisor immediately.
2. Every vehicular accident, no matter how minor, must be immediately reported to the police department having jurisdiction over the area where the accident occurred, so an official accident report can be completed.
3. If an officer is involved in a vehicular accident, the following procedures must be followed:
 - a. Stop immediately.
 - b. Render whatever aid you can to any injured parties.

- c. Summon EMS.
- d. Request a supervisor to scene.
- e. Make no admission of fault or negligence to anyone.
- f. Unless required for safety reasons, do not move the vehicle involved until instructed to do so by a supervisor.
- g. In the event of an accident involving any type of injury to anyone, the Chief of Police will be notified immediately.

G. Charged with Criminal Offense.

1. Any officer subsequently charged with Intoxication Manslaughter, Intoxication Assault, Criminally Negligent Homicide, Failure to Stop and Render Aid, or Driving While Intoxicated, as a result of his/her involvement in a vehicular accident, will be terminated.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 207 Criminal Court Appearance	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

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

II. PURPOSE

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

III. PROCEDURES

A. Subpoenas

1. All officers shall accept subpoenas and appear in the designated place at the designated time. Avoidance of service is strictly prohibited, and offending officers are subject to disciplinary action. This agency shall establish a system of accountability for subpoenas from point of receipt from the court to point of officer testimony. This includes but is not limited to:
 - a. recording the receipt of subpoenas to include date received, cause number, and requested officer(s) name.
 - b. recording the service of subpoena(s) to named officers by shift supervisor.
 - c. ensuring that notification is made as soon as possible to the designated court authority when officers cannot appear on the designated court date.

2. Officers served with a subpoena or given other official notice to appear before a criminal court by means other than the foregoing shall comply with this directive and for provide agency notification as soon as possible of the need for their appearance. Such subpoenas shall be recorded in a manner consistent with this policy.
3. Officers who are served directly with a subpoena shall immediately notify and provide their supervisor with a copy.

B. Preparation for Trial

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

C. Appearance in Court

1. Officers shall receive compensation for appearance in court during off-duty hours at the rate designated by this agency and in accordance with established means of calculation.
2. Compensation shall be received only when officers comply with procedures established by this agency for court appearance.

3. Officers who are late for or unable to appear on a court date shall notify the appropriate court authority as soon as possible, providing name, cause number, and reason for absence or tardiness. The reason for absence or tardiness shall be reviewed by the officer's supervisor and disciplinary recommendations may result.
4. Officers' physical appearance, personal conduct, and manner shall conform to the highest professional police standards.
5. When testifying, officers shall:
 - a. restrict answers to that which is known or believed to be the fact or truth;
 - b. speak naturally and calmly in a clearly audible tone of voice;
 - c. use plain, clearly understood language and avoid using police terminology, slang, or technical terms.
 - d. Display a courteous attitude and maintain self-control and composure.
 - e. wear the agency's duty uniform, **or** coat and tie for male officer(s), or business attire for female officer(s).

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 208 Municipal Court Appearance	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

The success of Municipal Court prosecution relies solely on the manner in which it is presented by law enforcement officers. An officer's appearance, demeanor, attitude, and ability to testify in a fair and professional manner are essential. The Municipal Court of Terrell Hills, Texas is held on the third Thursday of the month at 8:00am.

II. PURPOSE

It is the purpose of this policy to provide officers with guidelines for appearing and testifying in Municipal Court.

III. PROCEDURES

A. Appearance in Court

1. All officers shall check the Municipal Court Docket to ascertain whether or not he/she has any pending Municipal Court cases.
2. If the officer's name appears on the Municipal Court Docket, that officer is required to appear and be ready to give testimony.
3. Officers shall receive compensation for appearance in court during off-duty hours at the rate designated by this agency and in accordance with established means of calculation.
4. Compensation shall be received only when officers comply with procedures established by this agency for court appearance.
5. Officers who are late for or unable to appear on a court date shall notify the appropriate court authority as soon as possible, providing name, cause number, and reason for absence or tardiness. The reason for absence or tardiness shall be reviewed by the officer's supervisor and disciplinary recommendations may result.

6. Officers' physical appearance, personal conduct, and manner shall conform to the highest professional police standards.
7. When testifying, officers shall:
 - a. restrict answers to that which is known or believed to be the fact or truth;
 - b. speak naturally and calmly in a clearly audible tone of voice;
 - c. use plain, clearly understood language and avoid using police terminology, slang, or technical terms.
 - d. Display a courteous attitude and maintain self-control and composure.
 - e. wear the agency's duty uniform, **or** coat and tie for male officer(s), or business attire for female officer(s).

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 209 Use of Social Media	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Social media provides a valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. The department supports and utilizes the secure and appropriate use of social media to enhance communication, collaboration, and information exchange. The department also recognizes the role that these tools play in the personal lives of department personnel. The improper use of social media platforms by employees has the possibility of impacting departmental operations. Therefore, the department provides information, both of a precautionary and prohibitive nature, on the use of social media by personnel.

II. PURPOSE

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

III. DEFINITIONS

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

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

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

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), micro blogging sites (Twitter, Tumblr), photo- and video sharing sites (Instagram, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

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

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

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

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

IV. DEPARTMENT SPONSORED SOCIAL MEDIA

1. Requirements for Department Sponsored Public Social Media Sites

- a. The Chief of Police is responsible for the management, posting, and monitoring of the department's public social media network sites. Other members of the department may post and monitor specific social media sites as approved by the Chief of Police.
- b. The Chief of Police, with input from departmental members and the City Information Services Manager will determine the extent of the department's official use of social media platforms. No social media platform will be utilized by the department without the express approval of the Chief of Police.
- c. Each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
- d. Where possible, the page(s) should link to the department's official website.
- e. Social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
- f. Content is subject to open government laws. Relevant records retention schedules apply to social media content. Content must be managed, stored, and retrieved to comply with open government laws, records retention laws, and e-discovery laws and policies.
- g. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.

- h. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove any posting.
- i. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- j. Department social media pages shall have imbedded restrictions not allowing the posting of pictures, icons, logos, etc. as part of a visitor identifier, message or signature.

2. Operation of Department Sponsored Public Social Media Sites

- a. Department personnel approved by the department to post to social media outlets shall do the following:
 - i. Conduct themselves at all times as representatives of the department. Further, they shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
 - ii. Identify themselves as a member of the department.
 - iii. Refrain from making statements about the guilt or innocence of any suspect or arrestee, comment on pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
 - iv. Refrain from conducting political activities or private business.
 - v. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express written permission.
 - vi. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

3. Uses of Departmental Sponsored Social Media Sites

- a. Social media can be used to make time-sensitive notifications related to
 - i. road closures,
 - ii. special events/department programs,
 - iii. weather emergencies, and
 - iv. missing or endangered persons.
- b. Social media is a valuable investigative tool when seeking evidence or information about
 - i. missing persons;
 - ii. wanted persons;
 - iii. gang participation; and
 - iv. crimes perpetrated online and photos or videos of a crime posted by a participant or observer.
- c. Social media can be used for community outreach and engagement by
 - i. providing crime prevention tips;

- ii. offering online-reporting opportunities;
 - iii. sharing crime maps and data; and
 - iv. soliciting tips about unsolved crimes (i.e., CrimeStoppers, text-a-tip).
- d. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
- e. Background Investigations
 - i. This department has an obligation to include Internet-based content when conducting background investigations of job candidates.
 - ii. Search methods shall not involve techniques that are a violation of existing law.
 - iii. Vetting techniques shall be applied uniformly to all candidates.
 - iv. Every effort must be made to validate Internet-based information considered during the hiring process.

4. Use of Covert Social Media Sites for Investigative Operations

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

V. PERSONAL USE OF SOCIAL MEDIA

1. Precautions and Prohibitions

- a. Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.
 - i. Members of the Department may not access social networking or social media sites through the use of Department provided information systems--unless authorized to do so on behalf of the department or during the course of an investigation.
 - ii. While on duty, employees may only use personal communications devices to access social networking sites strictly during **authorized** meal breaks, provided such usage does not in any way interfere with the performance of job duties. Employees are prohibited from authoring posts on a social networking site at any time while on-duty

even during meal breaks with the exception of department sponsored social media sites.

- iii. Due to concerns for officer safety and to preserve tactical advantage, the posting of information related to any police response by any officer or assisting agency is absolutely prohibited without the approval of the Chief of Police.
- iv. All matters of, by, within, and about Department details regarding calls for service, and the customers we interact with, are generally considered confidential information which may not be released, blogged about, posted, or otherwise shared outside the department without prior authorization, without it having been obtained through an official open records request, or without the information already being in the public realm [already otherwise released officially].
- v. Department personnel are prohibited from engaging witnesses, victims, or defense attorneys on social media sites.
- vi. Department personnel are prohibited from “friending” or “following” minors encountered during the course of their duties.
- vii. Display of the department logos, uniforms, uniform patch, or departmental badge on their own or other’s social media sites is prohibited without written approval of the Chief of Police. Department personnel are prohibited from posting photos of themselves or other officers in uniform or tagging other officers in uniform.
- viii. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
- ix. As public employees, department personnel are cautioned that speech on or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee’s professional duties and responsibilities—may not be protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department.
- x. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
- xi. Department personnel shall not post, transmit, or otherwise disseminate any information, to include photographs, video or audio recordings, official documents, correspondence, reports, etc. to which they have access as a result of their employment without written permission from the Chief of Police.
- xii. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department

without their permission. As such, department personnel are cautioned not to do the following:

1. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
 2. Personnel are reminded that many individuals that we contact in our profession become angry and on occasion seek revenge for official actions taken. Employees are encouraged not to post any information that could be used to identify the employee's residence, vehicle or family members.
- xiii. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Employees are required to be credible witnesses in criminal prosecutions and that credibility can be attacked using inappropriate posts on social media sites. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
1. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
 2. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
 3. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
 4. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
 5. Department personnel should be aware that they may be subject to civil litigation for
 - a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
-

- c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 - d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- xiv. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- xv. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

2. Monitoring of Social Media

- a. Supervisors within the department may make random investigations into the postings of employees for purposes of protecting the integrity and reputation of the department, protecting the integrity of investigations, and ensuring privacy and security of departmental records and information.
- b. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.
- c. No supervisor or member of the department below the rank of Chief of Police is authorized to cancel, modify or make exceptions to the contents of this order at any time.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 210 Misconduct Allegations, Investigation and Reporting	
	Effective Date: 06/01/2025	Replaces: 02/01/2023
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

The Terrell Hills Police Department strives to be forthcoming and transparent in its investigations into allegations of Misconduct alleged against an officer employed by this department.

II. PURPOSE

To establish guidelines for investigating allegations of misconduct

III. DEFINITIONS AND REFERENCES

- A. License Holder: A Texas Peace Officer employed by the City of Terrell Hills Police Department.
- B. Allegation of Misconduct: A written complaint of misconduct, as defined in paragraph C, and signed by the person making the complaint
- C. Misconduct: Violations of federal or state laws or local ordinances and alleged conduct including: use of excessive force, untruthfulness, unlawful search, unlawful arrest, civil rights violations, racially motivated police actions, discrimination, sexual harassment, or any conduct that seriously degrades the integrity or good order of the Terrell Hills Police.

For purposes of this policy, allegations of untruthfulness shall include false, untrue, or misleading statements, either by overt means or by omission. Misconduct does not include minor rule violations of a less serious nature.

- D. Summary Report: A report providing a description of each allegation of misconduct, the investigative findings of each allegation, including whether sustained or not sustained, and the final disposition of each allegation.
- E. TCOLE: Texas Commission on Law Enforcement

IV. INVESTIGATION PROCEDURES

- A. This agency shall investigate allegations of misconduct that may result in suspension, demotion, or termination at the time the agency becomes aware of the alleged misconduct.
- B. Initiate an appropriate administrative or criminal investigation into alleged misconduct of a license holder employed by this agency at the time the agency becomes aware of the alleged misconduct
- C. Complete the investigation within 180 days, absent other applicable laws, provisions or policies.
- D. Report to TCOLE an investigation into alleged criminal misconduct for which criminal charges are filed against the license holder within 30 days after the investigation is completed
- E. Complete an administrative investigation of alleged misconduct. On a template provided by TCOLE, prepare and submit to TCOLE a summary report of the investigation in a timely manner, but not later than the 30th day after the date of the license holder's separation from the agency, if applicable.
- F. Include documentation of the completed investigation in the license holder's personnel file maintained by the agency as described by Texas Occupations Code § 1701.4535, or § 1701.4522, as applicable.
- G. Notify TCOLE if the matter is under appeal. The agency shall notify TCOLE of the disposition of an appeal within 30 days of receipt of the decision
- H. If a license holder separates from this agency during the pendency of an investigation of misconduct, the agency shall complete the investigation, and submit a summary report to TCOLE regardless of the findings.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 301 Basic Training Requirements	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Today's society is not only diverse, but essentially both multi-faceted and complex. In order to provide effective law enforcement services, it is imperative that officers have the training necessary to accomplish their mission. The Terrell Hills Police Department is committed to providing the training necessary to not only meet, but also exceed State requirements to further enhance and develop an officer's career.

II. PURPOSE

To provide members of the Department with details of the training required by the Department and their responsibilities with regard to maintaining that training.

III. REQUIRED TRAINING

A. Basic Training

1. Sworn members of the Department are required to have a Peace Officer license issued by the Texas Commission on Law Enforcement in order to perform any Law Enforcement duties. This license currently requires officers to attend a Basic Peace Officers course and pass a Commission Licensing Examination. Officers must possess their Peace Officer License prior to performing any law enforcement duty or function.
2. Previously licensed officers who apply for employment must have their license current and in good standing, with all of the state-mandated in-service requirements up to date, or the ability to complete in-service requirements prior to the end of the Commission training cycle which ends August 31, of odd numbered years.

3. In addition to training required for licensing, all officers will complete the National Incident Management System training, appropriate for their rank.

B. Field Training

1. All officers of the Department are required to complete the Field Training Program as outlined in the Department's Field Training policy within the time period specified.

C. In-service training

1. All officers of the Department shall, within each Commission training period as required by law, obtain at least 40 hours of in-service training. In-service instruction may include: (TBP 3.06)
 - a. A review of changes or revisions in the State Law.
 - b. Specialized training required at the direction of the Chief of Police or the Commission based on assignment.
 - c. Supervisory training.
 - d. Policies and procedures.
 - e. Hands-on arrest and defensive tactics training.
 - f. Firearms training and qualifications.
 - g. Training required by the legislature during each four year training cycle.
2. Reserve Officers, due to the limited nature of their assignments in a non-patrol capacity, are only required to obtain their TCOLE Mandated 40 hours of in-service training, as well as firearms training and qualifications.
3. Personnel assigned to records processing shall attend and complete a course in State Open Records and Records Retention.
4. All officers are responsible for obtaining the training necessary to maintain their license and any special certifications they may hold. Officers are required to complete all mandated classes prior to requesting additional training. The Department will provide officers with the training or provide

the time and funding necessary to obtain the training. Online training may be taken during duty hours with a supervisor's approval.

D. Supervisory Training (TBP 3.09)

Any officer, when promoted to any supervisory rank will be provided supervisory training appropriate to their rank and position within 12 months of their promotion.

IV. TRAINING EXPECTATIONS

A. Attendance

Personnel are expected to attend any assigned training programs. Any requests to attend in-service training will be submitted in writing by using the approved departmental training request form. Attendance to in-house training will be documented on the Department's approved Training Roster, or in cases where the training is at location other than the Department, documentation will be furnished by those responsible for the training. There are cases where attendance at a training program may be excused, such as for court appearance or sickness. Any absence must be properly excused by the administrators of the program. Employees shall provide a copy of any certificates to the Department for inclusion in the employee's training file.

B. Expenses

Cost of properly requested and approved in-service training classes will be incurred by the Department for all officers. All efforts will be made to schedule in-service for an officer on his/her work day, however some in-service classes may occur on non-working days. Officers scheduled on their non-working days will be required to report for that class unless prior arrangements have been made and approved by the Chief of Police or in cases such as officer being sick, scheduled court, accidents or other unforeseen emergency circumstances. Officers reporting for in-service training outside the immediate area may report to the police department and drive a marked patrol unit to the training site if a vehicle is available.

V. DEPARTMENTAL TRAINING

A. Performance-based training

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

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

B. Lesson plans

1. Lesson plans are required for all formal training courses conducted or sponsored by the Department where TCOLE credit will be requested/achieved. It is the responsibility of the individual instructor, whether a member of the Department or not, to provide the Chief or designee, with a copy of the lesson plan for approval before each class. A copy of the lesson plan will be maintained along with rosters of personnel attending the training.
2. The lesson plan should include a statement of performance objectives, the content of the training, specification of the appropriate instructional techniques, references, relationships to the job tasks, responsibilities of the participants for the material taught, and plans for evaluation of the participants. The instructional techniques that might be used include:
 - a. Conferences (debate, discussion groups, panels and seminars).
 - b. Field experiences (field trips, interviews, operational experiences and observations).
 - c. Presentations (lectures, lecture-discussion, lecture-demonstration).

- d. Problem investigations (committee inquiry, critical incidents).
- e. Simulations (case study, simulation, games, and role-play).

C. Instructors

1. Instructors for all Department training programs shall:
 - a. Have a minimum of two years law-enforcement experience, and
 - b. Have completed a TCOLE instructor's course and be certified as an instructor, and
 - c. Possess a demonstrated skill in an area of instruction, or
 - d. Be knowledgeable of teaching theories, methods, and practices and have some knowledge of law-enforcement practices.
2. Instructors enlisted from outside the Department shall be approved by the Chief or his designee. The instructor must have demonstrated skill in his/her area of instruction and comply with requirements for lesson plans as previously stated. Any compensation will be determined by the Chief of Police.

VI. REMEDIAL TRAINING

- A. Remedial training is directed at solving or curing a particular problem or improving performance in a particular area, within a designated time and with clearly defined, expected results.
- B. Remedial training may be assigned as a result of discipline or counseling to a regular officer, or as needed at any point within the Field Training Program.

VII. TRAINING RECORDS (TBP 3.05)

A. Training records

1. The Chief of Police shall maintain, a training record for each officer which includes:
 - a. The date of training.

- b. The type and hours of training received.
 - c. A copy of any certificate received.
 - d. TCOLE may used to supplement the training records for all officers of the Department.
- 2. The Terrell Hills Police Department does not employee any civilian or non-sworn personnel in any type of capacity- volunteer or paid.
- 3. The Chief, or designee, shall maintain files on all in-house training courses or presentations attended by his officers, including:
 - a. Course content (lesson plans).
 - b. Roster of officers attending.
 - c. Any performance measures as ascertained through tests or demonstrations.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 302 Field Training Program	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference: Field Training Officer Manual	

I. POLICY (TBP 3.12)

It is the policy of the Terrell Hills Police Department that all officers receive all training as mandated by the State of Texas, as well as adequate instruction in all areas required for the proper performance of their specific job duties.

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

This “specialized” training takes place during the Field Training Program. Experienced Officers who have been trained and certified as Field Training Officers are used to instruct new officers, to ensure that those officers are trained and capable of performing their duties.

II. PURPOSE

The purpose of this order is to define the procedures to be used in the Field Training Program.

III. PROCEDURES

A. Organization and Administration

The authority and responsibility for the initial training of a sworn officer shall be vested in the Field Training Program Manager of the Terrell Hills Police Department.

B. Field Training Program Requirements

1. Newly hired officers, after successful completion of the basic police academy are required to complete the Field Training Program prior to being released for full field duty.
2. The twelve (12) week training period for new officers shall be divided into three phases in which the officer will rotate to each of the three patrol shifts (6a-2p, 2p-10p, 10p-6a). Each phase's duration is: (TBP 3.16)
 - a. Phase I - four (4) weeks
 - b. Phase II - four (4) weeks
 - c. Phase III - four (4) weeks
3. All hired officers, regardless of their prior experience, must complete a Field Training Program, which may be adjusted/modified depending on progress or level of experience of the trainee.
4. During the Field Training Program, the new officer shall receive additional training and evaluations in such areas as Department policy, procedures, rules, regulations, patrol procedures, and victim/witness rights, etc., as outlined in the Terrell Hills Police Department Field Training Manual.
 - a. The Field Training Program shall identify the tasks and duties most frequently performed by officers and evaluate the new officer's job performance in those areas.
 - b. Standardized evaluation techniques designed to measure the new officer's competency in the required skills, knowledge, and abilities shall be used.
 - c. New officers will be evaluated on a weekly basis by their Field Training Officer. A Weekly Observation Report (WOR) will be completed and discussed with the new officer. If the assigned FTO is off for any reason during training days, the new officer will be assigned to an alternate FTO on that shift and the alternate FTO will complete a Daily Observation Report (DOR) for the relevant day(s). The new officer and FTO will sign the evaluation and it will be forwarded to the Field Training Manager for filing in the new officer's FTO Book. If the new officer disagrees with any comments or ratings, the new officer may note the disagreement on the form and request review by the Field Training Manager. (TBP 3.15)

5. The field training period may be extended when the performance of the new officer indicates additional training is needed, as indicated in the FTO evaluations. This extended training period will not exceed two (2) additional weeks. If documented deficiencies are not resolved the officer in training may be terminated from employment with the Department. The Field Training Manager will notify the Chief of Police, or his designee, in writing prior to any action taken in this regard.
6. The Chief of Police will make the final decision relating to action taken relating to the officer in training.
7. New officers shall be informed of the activities and actions involved in the recognition process as part of their orientation period with the department.
8. Field Training Officers will be responsible for completing the End of Phase Training Evaluation Report (EOPT) at the end of each phase. The FTO will make recommendations for the trainee's advancement to the next phase of training or the implementation for remedial training if justified. The FTO will discuss the EOPT with the Field Training Manager.
9. The Field Training Manager will maintain communication with the FTO's for the purpose of assisting with training problems and the proper documentation and forms for all training. The Field Training Manager will complete the End of Training Program Evaluation (EOTPE) Form after all training phases are complete. This form determines if the trainee is ready to graduate from the FTO program or a training extension is necessary. The Field Training Manager is responsible for all FTO training files and documentation.

C. Field Training Officer Selection and Training

1. The Chief of Police will solicit recommendations from Departmental supervisors. The Chief will review prior performance evaluations, activity levels, complaints, and commendations as well as advanced training. The Chief and Assistant Chief will interview potential candidates and make a determination based on the best interests of the Department. Selection of Field Training Officers will be based on the best officers available for the assignment and those that represent the true mission and values of the Department.
2. All officers assigned as FTO's will successfully complete an approved field training program that meets TCOLE standards prior to receiving assignment as an FTO. (TBP 3.13)
3. FTO training effectiveness shall be evaluated by their immediate supervisor and Field Training Manager.

4. FTO's shall conduct their training and make required reports and recruit evaluations as outlined in the Field Training Officer's manual.
5. New officers and lateral sworn officers shall evaluate each FTO from which they have received training after completion of each phase in the FTO program. This shall be accomplished in writing utilizing the FTO Evaluation Form located in the trainee's FTO book.

D. Periodic Program Review (TBP 3.14)

1. Biennially, the Field Training Manager will meet with all Field Training Officers to determine if any changes to the Field Training Program are necessary.
2. A report of the findings of this meeting shall be forwarded to the Chief of Police for any action required.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 328 Reserve Officers	
	Effective Date: 02/01/23	Replaces: 11/18/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

It is the policy of the Terrell Hills Police Department to provide the highest standards of professional law enforcement services to the constituency it serves. In order to accomplish this, Reserve Officers are utilized to augment manpower in situations as needed and secondly, they provide an additional interactive link between the community and the police department. Despite their diminished law enforcement capacity, Reserve Officers are subject to all the applicable Rules & Regulations along with the state-mandated training that govern regular full-time paid officers.

II. PURPOSE

The purpose of the reserve officer is to augment the capabilities of the Terrell Hills Police Department in their responsibilities to preserve and protect the health, safety, property, and welfare of the citizens of Terrell Hills. Reserve Officers enable the police department to have support personnel to assist with general patrol duties, emergency situations that may arise and/or scheduled or unscheduled community events/gatherings.

III. RESERVE PROGRAM

A. Requirements and Certification

1. Requirements for age, education, and experience are the same as that for regular full-time paid officers.
2. Applicants must meet all minimum requirements set forth by the Texas Commission on Law Enforcement Officer Standards and Education (TCOLE).
3. The selection process for Reserve Officers is the same as regular officers.

B. Training and Performance Standards

1. All Reserve Officers of the department **shall**, within each Commission training period as required by law, obtain at least 40 hours of in-service training. In-service instruction may include:
 - a. A review of changes or revisions in the State Law.
 - b. Specialized training required at the direction of the Chief of Police or the Commission based on assignment.
 - c. Policies and procedures.
 - d. Annual firearms training and qualifications. This includes all weapons systems relating to patrol duties (patrol rifle, patrol shotgun and .22 rifle).
 - e. Training required by the legislature during each four-year training cycle.
2. Reserve Officers are responsible for obtaining the training necessary to maintain their license and any special certifications they may hold. Much of the required training can be obtained on-line from the Texas Commission on Law Enforcement Officer Standards and Education (**TCOLE**) website.

D. Chain-of-Command and Operations

1. The Reserve Officers, when deployed, shall be under the direction and supervision of a designated patrol sergeant, who reports directly to the Lieutenant.
2. All Reserve Officers will be subordinate to all full-time members of this department.
3. The sergeant in charge of coordinating a scheduled and unscheduled event, will coordinate and arrange staffing with any utilized reserve officers. The sergeant will then inform the supervisor in charge of the specific event which reserves are available.
4. All reserve officers shall carry out all legal duty assignments and orders as issued by all full-time officers of this department.

E. Organizational Function

1. The primary function of the Reserve Officers will be to supplement the department's patrol operations and/or any other duties assigned by the Chief of Police.
2. Additionally, Reserve Officers will be on call for support assistance in emergency situations, special enforcement assignments, and to provide additional manpower for special community event assignments.
3. Reserve Officers may, at the discretion of the Chief of Police, be assigned to other functions within the department depending on the skills and experience of the individual such as limited support of CID, etc.

IV. DUTIES OF THE RESERVE OFFICER

The duties of the reserve officer shall include, but are not limited to, the following:

1. Working a minimum of one (1) special event annually to include Annual Bike Rodeo, July 4th Parade, St David's Church Spring or Fall Fling, Halloween festivities, or any other community event.
2. Any departmental meetings or training classes they are requested to attend.
3. Work eight (8) hours a month assisting the department in the uniformed patrol capacity or, in other capacities as directed by the Chief of Police.

V. CONDUCT OF RESERVE OFFICERS

All reserve officers will be guided by the Law Enforcement Code of Ethics and will follow all policies and procedures contained within this policy.

VI. LIMITATIONS OF PEACE OFFICER AUTHORITY

1. All reserve officers while on assignment with the department shall have all the authority of peace officers as granted by the Constitution of the United States, the Texas Code of Criminal Procedure, the Texas Penal Code, and the applicable City of Terrell Hills ordinances.

2. Reserve officers will not place emergency equipment on their personal vehicle and will not attempt any traffic stops with their personal vehicle. The reserve officer will not take their personal vehicle to a scene unless authorized to do so.
3. Any reserve officer who is involved in an incident, whether on or off duty, where they are forced to detain or arrest a suspect shall immediately call the on-duty supervisor for assistance.
4. While on duty, reserves are authorized to carry their personal handgun which they have qualified with during the annual departmental weapon's qualification training. Weapons carried off duty shall be in accordance with state law.
5. Reserve officers will always work directly with a full-time paid police officer with this department.

VII. REPORTING TO WORK AND UNIFORMS

1. All reserve officers will notify the on-duty or special event supervisor when they are reporting for duty.
2. All reserve officers will report for duty in full uniform unless otherwise directed to do so. The reserve officers and the regular police officers will follow the same policies regarding uniforms.
3. The department will provide each reserve officer with one uniform, a badge, name tag, and ammunition.

VIII. COMPENSATION

The reserve officers are not monetarily compensated in any way.

IX. INSURANCE

All reserve officers will be covered by workers' compensation while on duty as reserve officers with the department.

X. DISMISSAL

1. Any Reserve Officer may be dismissed from the reserve program for violation(s) of this manual or the City of Terrell Hills personnel policies manual, or for any other reason by the Chief of Police.

2. Any Reserve Officer may be suspended or dismissed for failure to work the minimum number of events or hours as required, or for failure to complete the minimum amount of training as required by the department policy or state law.
3. The Chief of Police reserves the right to suspend or dismiss any Reserve Officer who violates any policy of the police policy manual, or who, in the opinion of the Chief of Police, causes or contributes to the disruption of general order and efficiency of the police department.
4. The dismissal order by the Chief of Police is final and the Reserve Officer has no right to an appeal process.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 401 Hiring and Selection	
	Effective Date: 06/01/2025	Replaces: 02/2023
	Approved: Gail Baham Chief of Police	
	Reference: Terrell Hills Employee Handbook	

I. POLICY

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

II. PURPOSE:

To establish guidelines for hiring and background investigations for applicants for peace officer for the City of Terrell Hills.

III. PERSONAL HISTORY STATEMENT AND WRITTEN CONSENT

A. Applicants for employment must submit a completed Personal History Statement (PHS). The Terrell Hills Police Department shall obtain written consent from each applicant before reviewing information required in the background investigation.

IV. BACKGROUND INVESTIGATION RECORDS

A. Before being hired, this agency shall conduct a thorough background investigation on each applicant which includes, at a minimum, the information referenced in this policy.

B. Personnel files, as described by Texas Occupations Code § 1701.4535, and other employee records from each previous law enforcement agency employer, including the employment application submitted to the previous employer.

C. Employment termination reports and misconduct investigation reports maintained by TCOLE.

D. Service records maintained by TCOLE.

- E.** Proof that the person meets the minimum qualifications for enrollment in a training program under Texas Occupations Code § 1701.251(a).
- F.** A military veteran's United States Department of Defense Form DD-214 or other military discharge record.
- G.** Criminal history record information.
- H.** Information on pending warrants as available through the Texas Crime Information Center and National Crime Information Center.
- I.** Evidence of financial responsibility as required by Texas Transportation Code § 601.051.
- J.** A driving record from the Department of Public Safety.
- K.** Proof of United States citizenship or, if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge, proof of legal permanent residence and proof that the person has applied for United States citizenship.
- L.** Information on the person's background from at least three personal references and at least two professional references.
- M.** Information on the person's law enforcement background as available through the National Decertification Index (NDI) maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST); and obtaining and reviewing records with entry agencies if a matching record exists.
- N.** If applicable, a file or record obtained by the commission under Texas Occupations Code § 1701.3035.

V. BACKGROUND INVESTIGATION

- A.** Files and records must be reviewed electronically (such as through the secure electronic file sharing system provided by TCOLE, which is strongly encouraged due to confidentiality purposes) or in person (if the previous law enforcement agency agrees). File review may not be done by phone.
- B.** The investigator will provide the other agency with a copy of the applicant's signed Release of Information before obtaining and reviewing all files and records.
- C.** Agencies in other states and federal agencies do not normally have access to the TCOLE file sharing system. If files from those agencies cannot be reviewed in person, other reasonable efforts should be made to review the files electronically. If the files cannot be reviewed, the investigator should document the reason why and the efforts that were made in the background investigation report.
- D.** If a Release of Information was provided and an agency does not respond to a file sharing request for records within ten business days and the investigator has made direct contact with the person from whom they are requesting files (such as phone or email),

the investigator should contact their TCOLE Field Service Agent for assistance.

E. An investigator must contact each agency to determine if records still exist regardless of records retention schedules. Some agencies retain records long past those schedules and all available records must be reviewed.

F. If an agency no longer has records, most will upload a form letter to the file sharing system documenting the lack of records and the reason why. That letter should be added to the background investigation report.

G. If a previous agency no longer exists or is currently unmanned, the investigator should confirm and document the same in the background investigation report. The investigator should contact the governing body over a former or unstaffed agency to determine what records remain and how they can be accessed.

H. The background investigator shall document all findings pertinent to the background investigation in a background investigation report. A copy of the background investigation report shall be maintained in the employee's personnel file.

VI. TCOLE FORMS

A. L-1: TCOLE Appointment Application form.

B. L-2: TCOLE Licensee Medical Condition Declaration form.

C. L-3: TCOLE Licensee Psychological and Emotional Health Declaration form.

D. During the appointment of any licensee, this agency will complete the appropriate background and appointment forms required by TCOLE. Such forms will document that all background investigation steps required by Texas Occupations Code § 1701.451 were completed prior to appointment and how those steps were completed. The information certified on the forms shall be consistent with the process required in Section 3 of this policy.

VII. MEDICAL EXAMINATION AND DRUG SCREENING

A. Before being hired, each applicant must undergo a drug screening by a physician licensed by the Texas Medical Board designated by this agency.

B. Applicants for peace officer or county jailer must also undergo a medical examination by a physician licensed by the Texas Medical Board designated by this agency. The physician must be familiar with the duties appropriate to the type of appointment to be made.

C. If the applicant successfully passes the medical examination and drug screening, the provider administering the exam shall sign the L-2. The L-2 shall be included in the employee's personnel file.

D. If the applicant fails the medical examination or drug screening, this agency will report the failure to TCOLE on a form prescribed by TCOLE. _____

VIII. PSYCHOLOGICAL EXAMINATION

- A.** Before being hired, each applicant must undergo a psychological examination conducted by a psychologist licensed by the Texas Board of Examiners of Psychologists or a psychiatrist licensed by the Texas Medical Board and certified by the American Board of Psychiatry and Neurology, as designated by this agency.
- B.** The psychologist or psychiatrist must be familiar with the job duties of the position the applicant applied for.
- C.** The psychologist or psychiatrist must be given a copy of the applicant's PHS and background investigation report to review before the examination.
- D.** The psychological examination must be conducted according to professional standards and include: use of at least two instruments, one measuring personality traits, and one measuring psychopathology; and conducting an interview after the two instruments above are scored and a review of the PHS and background investigation report.
- E.** If the applicant successfully passes the psychological examination, the psychologist or psychiatrist shall sign the L-3. The L-3 shall be included in the employee's personnel file.
- F.** If the applicant fails the psychological examination, this agency will report the failure to TCOLE on a form prescribed by TCOLE.

IX. FINGERPRINT CHECK RETURN

- A.** Before being appointed, each applicant must successfully complete a fingerprint search of local, state, and United States records and fingerprint files to disclose any criminal record. A copy of the fingerprint check return shall be maintained in the personnel file.

II. FIREARMS QUALIFICATION

- A.** If the applicant is a current Texas Peace Officer, the applicant must submit an official record of annual firearms qualification within the past 12 months or complete a firearms qualification prior to employment.

X. APPOINTMENT OF LICENSEE

- A.** Upon hiring, a complete and accurate L-1 or L1-T will be submitted to TCOLE.
- B.** A copy of the L-1 or L1-T will be notarized and maintained in the employee's personnel file.

XI. PROVISIONAL HIRING PERIOD

- A.** Applicants hired while the subject of a misconduct investigation with a previous employing agency may initially be hired on a provisional basis of 90 days.

B. During that provisional period, this agency will obtain and review the completed misconduct investigation report from the previous employing agency or TCOLE and may choose to terminate the provisional employment based on those findings.

C. This provisional period is unrelated to any other probationary hiring periods used by this agency which is 6 months.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 402 Appointment and Probation	
	Effective Date: 02/01/2023	Replaces: 06/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

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

II. PURPOSE

To provide for a systematic process for the appointment of newly hired personnel.

III. PROCEDURES FOR POLICE OFFICERS

A. Applicants that have been through the hiring process and have been approved for hire will complete the following steps prior to being retained as full time police officers.

1. The applicant will meet with the Chief of Police and determine a starting date.
2. On the day selected for employment, the applicant will report to the City Human Resources Manager for completion of all initial paper work.
3. Upon completion of the initial processing at Human Resources, the new employee will report to the police department where they will be issued and sign for the appropriate equipment.

B. The new employee shall be issued a complete and up to date copy of the General Orders, Field Training Manual, and City Personnel Manual.

- C. The Chief of Police shall set a time and place where the new officer shall swear the Oath of Office before a Notary Public. The new officer must take and sign the Oath of Office before performing any law enforcement duties. (TBP 2.03)
- D. The Chief of Police will then assign the new officer to a field training officer for initial Field Training. The new officer will work the same hours and days off as the Field Training Officer.

IV. PROBATION

- A. All new officers are on probation for a period of 180 days from the initial date of hire. The same probationary period applies to officers hired through lateral entry.
- B. An officer may be released from employment at any time during their probationary period for any reason. Supervisors who believe a probationary officer's job performance is unsatisfactory should provide evidence of the unsatisfactory performance to the Chief of Police for consideration at any time.
- C. A new officer's supervisor shall rate the new employee using the Employee Evaluation Form at the three and six month anniversary dates from employment. New officers will be rated as required by the Field Training Manual during the first six months. One week prior to the six month anniversary, the supervisor shall complete and forward a final evaluation form to the Chief of Police recommending the employee be retained or terminated. If the recommendation is for termination, the supervisor shall document the specific work related performance that is deficient. The work performance of each probationary employee shall be evaluated using valid, non-discriminatory procedures.
- D. Prior to the end of the probationary period, the Chief of Police shall review the performance evaluation. The Chief may approve their permanent appointment or discharge the employee for failure of probation.
- E. Probationary employees who wish to protest their performance ratings have no grievance rights except to request an interview with the Chief of Police.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 403 Promotions	
	Effective Date: 02/01/2023	Replaces: 06/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY (TBP 4.06)

It is the policy of the Terrell Hills Police Department that all officers will have a fair and unbiased opportunity to seek promotion within the Department consistent with the guidelines of this policy.

II. PURPOSE

The purpose of this chapter is to establish guidelines for a fair and equitable process by which officers are selected for positions of greater responsibility and increased level of compensation.

III. PROCEDURES

A. ELIGIBILITY FOR PROMOTION

1. Officers must meet the following minimum requirements to be eligible for promotion to any increased level of responsibility or compensation.
2. In order to compete for corporal an officer must have a minimum of two (2) years with the Department prior to the effective date of promotion.
3. In order to compete for sergeant, an officer must have a minimum of three (3) years of police experience with the Department and at least (1) year in grade as a Corporal.
4. In order to compete for Lieutenant, an officer must have a minimum of five (5) years of police experience with the Department, at least (1) year in grade as a Sergeant and be enrolled in or graduated (LEMIT)Leadership Command College.
5. The Assistant Chief of Police will be appointed by the Chief of Police.

6. Performance evaluations overall score at least satisfactory for the 12 months prior to the promotional examination process.
7. Officer must submit a “letter of intent” to the office of the Chief of Police which requests participation and consideration in the promotional selection process.
8. The Chief of Police may waive any criteria to enter or advance in the promotion process if it is in the best interest of the Department.
9. The Chief of Police may go outside the agency to fill positions if circumstances dictate.

B. PROCESS FOR PROMOTION

1. Announcement of Position
2. Submit letter of intent
3. Interview Board of (3) ranking members of the Department (Sgts/Lt/AC).
4. Recommendation of Board forwarded to the Chief of Police.
5. Interview of recommended officer by Chief of Police.
6. Decision made by Chief of Police is final.
7. No eligibility lists will be maintained.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 404 Personnel Files and Records Room	
	Effective Date: 06/01/2025	Replaces: 02/2023
	Approved: Gail Baham Chief of Police	
Reference:		

I. POLICY

Pursuant to TCOLE mandates, the Terrell Hills Police Department maintains a Personnel File on each sworn officer which contains all originals or copies of all documents required by TCOLE to be maintained by the Department. Included in these files are personal history statements, testing score sheets, and any documents conditional to employment.

II. PURPOSE

To provide guidelines for the compilation and retention of “personnel files” as defined by this policy.

III. DEFINITIONS AND REFERENCES

- A. **Personnel File:** (1) Any letter, memorandum, or document relating to a commendation, congratulation, or honor bestowed on the license holder by a member of the public or by this agency for an action, duty, or activity that relates to the license holder’s official duties; (2) Any misconduct (as defined by section 1.3, Misconduct Allegations model policy) by the license holder if the letter, memorandum, or document is from the employing agency and resulted in disciplinary action; and (3) The periodic evaluation of the license holder by a supervisor. For reference, see Texas Local Government Code § 143.089(a); Texas Occupations Code § 1701.4535(a)(1).
- B. **Department File:** Any information not included in the definition of Personnel File, section 1.1, and referenced in sections 3.1-3.2. For reference, see Texas Local Government Code § 143.089(g); Texas Occupations Code §§ 1701.4522 and .4535(c)

IV. PERSONNEL FILE CONTENTS

- A. This agency shall maintain a personnel file on each license holder employed by the agency.
- B. If a negative letter, memorandum, document, or other notation of negative impact is included in a license holder's personnel file:
 - 1.) The agency head or the head's designee shall, not later than the 30th day after the date of the inclusion, notify the affected license holder by certified mail, or by departmental or personal email, or in person;
 - 2.) Notice is considered to be received electronically by the license holder, provided it is sent to the department or personal email address listed in the license holder's personnel file and the license holder confirms receipt;
 - 3.) If confirmation of receipt is not provided by the license holder within seven calendar days of being sent electronically, the agency head or the head's designee must send the notification by certified mail; and
 - 4.) The license holder may, on or before the 30th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation.
- C. A license holder is entitled, on request, to a copy of any letter, memorandum, or document placed in the license holder's personnel file. This agency may charge the license holder a reasonable fee not to exceed the actual cost of any copies.
- D. This agency may not release any information contained in a license holder's personnel file to any other agency or person requesting information relating to the license holder without the license holder's written permission, unless the release is required by law. The agency shall refer the person or agency requesting the information to the agency head or the head's designee.

E. As provided by Texas Occupations Code § 1701.451, a law enforcement agency hiring a license holder is entitled to view the contents of the license holder's personnel file

F. This agency shall provide a license holder's personnel file to TCOLE not later than the 30th day after the date the license holder separates from the agency or on request by TCOLE as part of an ongoing investigation relating to the license holder

V. DEPARTMENT FILE CONTENTS

A. Any letter, memorandum, or document relating to alleged misconduct by the license holder may not be placed in the license holder's personnel file if the agency determines that there is insufficient evidence to sustain the charge of misconduct.

B. Law enforcement agencies shall also maintain a file on a license holder employed by the agency for the agency's use including all information not referenced in section 1.1, Definitions and References of this policy. This file should be marked "Designated as Confidential for Statewide Employment Database under Texas Occupations Code § 1701.168."

C. This agency may not release any information referenced in sections 3.1 and 3.2 to any other agency or person requesting information relating to the license holder without the license holder's written permission, unless the release is required by Texas Occupations Code § 1701.451. The agency shall refer the person or agency requesting the information to the agency head or the head's designee.

D. As provided by Texas Occupations Code § 1701.451, a law enforcement agency hiring a license holder is entitled to view the contents of the license holder's department file.

VI. RECORDS AND RECORDS ROOM (TBP 4.04)

A. Personnel Records of all sworn officers are secured in the police records room and have limited access. Personnel authorized to view such files are limited to the Chief of Police, his/her designee, and the Sergeants.

B. Personnel Records contain all of the documents mandated by TCOLE along with disciplinary-related documents, training records, and a current full-page digital

facial photograph of that officer whose file it is.

C. The Police Records Room is controlled access to sergeants and above only.

D. Any file removed will require documentation on the THPD Police Records Room File Removal Log stating the reason why, the date removed, the date returned, and by whom.

E. Records of all police department applicants not selected for employment will be retained and secured for a period of (2) years from the date the position closed.

F. Records of all former police department officers will be maintained indefinitely

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 405 Uniforms, Appearance and Equipment	
	Effective Date: 05/05/2026	Replaces: 06/2024
	Approved: Gail Baham Chief of Police	
Reference:		

I. POLICY

Proper uniforms and equipment not only enable us to perform our law enforcement duties, but also convey a professional image to the community we serve. A professional image is imperative to inspire the respect and confidence from the community we serve. All officers must strive to present a clean, well groomed image when wearing the Departmental uniform or representing the Department in any manner.

II. PURPOSE

To designate a Department approved uniform, list of equipment, and establish a Department dress code for all officers.

III. UNIFORMS AND EQUIPMENT

- A. New officers shall be issued uniforms and equipment needed to perform their job function. Officers may purchase and carry additional items that are approved and authorized by the Chief of Police. Officers will not wear, carry, or use any personally owned equipment without the written approval of the Chief of Police.
(TBP 1.11)
- B. Each officer shall sign a property receipt listing all non-expendable equipment issued to that officer- weapons, radios, etc, which will be maintained in the officer's personnel file. (TBP 1.12)
- C. When an officer leaves employment with the Department for any reason, all issued equipment shall be returned after the separation is effective. Failure to return all items of city property may result in legal action. All such return will be documented on the Department's designated property receipt. (TBP 1.12)
- D. Officers are responsible for maintaining all uniforms presentable and all issued equipment in good working order.

- E. Officers shall have as a part of their issued equipment a copy of the Policies and Procedures manual, and shall maintain and make appropriate changes or inserts as directed. (TBP 1.04)
- F. With the approval of the Chief of Police, officers are allowed to purchase a flat badge wallet, after completing their probationary period.

IV. UNIFORMS AND EQUIPMENT PROVIDED BY THE CITY

- A. Uniforms and equipment provided to Police Officers by the Terrell Hills Police Department shall include:
 - 1. Two (2) pair of trousers
 - 2. Two (2) short-sleeved shirts
 - 3. One (1) long-sleeved shirts
 - 4. One (1) Policy Manual
 - 5. One (1) shirt badge
 - 6. One (1) raincoat
 - 7. One (1) winter jacket.
 - 8. One (1) protective vest (body armor)
 - 9. One (1) traffic vest
 - 10. One (1) Department Identification Card
 - 11. One (1) Field Training Manual
- B. Uniforms and equipment that are excessively worn or damaged will be replaced by the officer. Each full-time paid officer will start each calendar year on January 1st with a clothing/equipment allowance of \$600.00.
- C. Officers are allowed to purchase additional uniforms and equipment, as needed or desired. Individually purchased items may be purchased from any vendor, but must comply with current uniform or equipment standards.
- D. Uniform items and equipment approved for use that is provided by individual officers shall include:
 - 1. Black Undershirts
 - 2. Black Socks
 - 3. Footwear - Black leather with a rounded or medium toe. Coach's shoes of the High Tech style are allowed. Boots will be of the Roper, Wellington or Trooper/Combat Boot style. No pointed toes or custom stitching will be allowed.
 - 4. Jacket – Issued jackets will be dark blue/black, have the same department patches as the shirts and be all season convertible. Windbreakers are authorized but must be dark blue/black and department patches.

5. Headgear – black Garrison style caps for ceremonial use, Department “ball caps” for spring/summer use, and black watch caps are authorized for cold weather use.
6. Raingear – will be issued and consist of yellow/gold trench coat style jacket with POLICE across the back in black.

E. Civilian business attire (coat and tie for men or equivalent for women) shall be worn for all court appearances on the officer’s day off or officer may choose to wear the Department issued uniform.

V. PROTECTIVE VESTS (TBP 7.23)

- A. Body armor is purchased and provided by the Department, and will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.
- B. The wearing of Body Armor when working on-duty uniformed assignments is mandatory, unless so exempted by the Chief of Police.
- C. Any such exemption to the wearing of Body Armor will be in writing on a case by case basis at the sole discretion of the Chief of Police.
- D. Any non-uniformed officer participating in any special field assignment, search warrant execution, or other high risk activity shall wear a protective vest.
- E. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer’s instructions.

VI. REFLECTIVE VESTS

Officers are issued and shall wear the high-visibility reflective vest whenever they will be working on any roadway, to include the shoulder portions or right-of-way sections thereof.

VII. DEPARTMENTAL APPEARANCE REQUIREMENTS (TBP 2.13)

A. Uniform Employees

1. When wearing the uniform, employees will be in full uniform, including all items that are integral parts of the uniform. All uniform and accessories must be maintained in a clean and well pressed condition. The hat is optional except at formal occasions. No part of the uniform is worn with civilian clothing or vice-versa.
2. Undershirts worn with an open collar short-sleeved shirt shall be black in color. Shirrtails will be worn tucked in at all times. Employees may wear a black turtleneck or mock turtleneck only with long sleeve shirts during cold weather.
3. Rank Insignia - The Chief will wear two (2) gold stars on each collar. The Assistant Chief will wear one(1) gold star on each collar. Officers holding the rank of Lieutenant will wear one gold Y2" bar on both collars Y2 inch from the front edge of the collar centered between the neck line and the bottom edge of the collar. Officers holding the rank of Sergeant will wear yellow-gold embroidered chevrons (3 stripes) approximately $\frac{1}{4}$ " below the department issued shoulder patch with the single point up. Corporals will wear silver embroidered chevrons (2 stripes) approximately $\frac{1}{4}$ " below the department issued shoulder patch with the single point up.
4. Name Plates – All officers, regardless of rank, will wear a nameplate, centered $\frac{1}{2}$ inch above the right shirt pocket seam. The nameplate will contain at minimum the officer's last name. Sergeants and above will wear gold and Corporal and below will wear silver.
5. Department Shirt Badges - All sworn personnel, when in the Standard Duty Uniform, will wear their Department badge, prominently displayed above the left shirt pocket.
6. Footwear - Footwear will be solid black and capable of being shined.
7. Hats - The Departmental issued hat will be of Garrison style. The brim and base will be polished black. The wearing of these hats will be for ceremonial occasions only.
8. Winter headgear may consist of navy blue or black knit cap with no visible logos or emblems other than "POLICE" visible. Department "ball caps" are approved for wear in warmer climate months and shall be worn in proper fashion (brim forward).

B. Award Ribbons or Medals

Commendation ribbons and medals approved for wear by the Department will be worn centered, above the nameplate on the uniform shirt, no more than two across and three up, and will be worn in order of importance (left to right). The wearing of commendation ribbons and medals is optional while assigned to standard duty assignments. The wearing of commendation ribbons and medals is mandatory in all formal settings or as required by the Chief of Police. The following is a list of the authorized award ribbons:

1. The Police Medal of Honor	
2. The Police Medal for Valor	
3. Exceptional Service Bar	
4. Chief's Commendation Bar	
5. The Life Saving Bar	
6. The Purple Heart	
7. Officer of The Year	
8. Master's Degree Bar	
9. Bachelor's Degree Bar	
10. Associate's Degree	
11. Military Service Bar	
12. FBI National Academy Bar (issued bar from the academy)	
13. Graduate, LEMIT (LCC)	
14. TCOLE Certification Bars:	
Intermediate	
Advanced	
Master	
15. Police Instructor	



(Note: The above example correctly illustrates ribbons mounted in order of seniority as you are looking at the ribbons)

C. Plain-Clothes Assignments

1. With the exception of officers working in a covert capacity, clothing worn by employees in any Departmental non-uniform assignment will conform to accepted business-casual practices, and include dress shirts (long or short sleeved), embroidered pull-over shirts, socks, shoes are. Business or sports coats are optional unless required for court or a specific event or task.
2. Socks should coordinate with the pants. White socks are prohibited unless the socks remain hidden at all times.
3. Footwear should be clean and polished, with heels and toes in good repair. Normal business shoes include slip-ons (loafers) or lace-ups. Boots are acceptable, provided they are in good taste. Flip-Flops are prohibited.
4. Female business-casual attire will include the previously mentioned clothing and non-revealing blouses, skirts, and dresses.
5. If a sidearm is worn on the waist, the officer's Department badge must be prominently displayed next to the sidearm.

D. Special Assignments

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

E. Court Attire

Officers attending court will be in uniform or business-formal (coat and tie) for male officers and appropriate business attire for female employees.

F. Physical Appearance

1. Officers shall maintain their physical appearance in accordance with good taste and professionalism. Hair shall not be dyed, colored, or styled in a manner which would draw undue attention to the officer. Female officer's makeup shall be tastefully applied. Male officers shall be clean-shaven.

2. Hair length

- a. Male officers shall wear their hair so as to present a groomed appearance. Hair will not extend past the collar at the back of the neck. Hair on the sides will not extend below the top of the ear and must be mildly tapered. Hair in the front will not extend below the middle of the forehead. Sideburns may extend no lower than the lowest tip of the officer's ear lobe. They shall be of a naturally even width and shall end with a clean shaven horizontal line.
- b. Female officers shall wear their hair so as to present a groomed appearance, and shall not be restricted as to the length of their hair. However, if the hair extends below the bottom of the collar it shall be secured in a bun or ponytail, and shall not be allowed to hang into the officer's face, either in front or on the sides.

3. Mustaches and Beards

Employees shall be permitted to maintain the following approved styles of facial hair:

- a. Clean Shaven – No facial hair.
- b. Mustache – hair below the nose and above the upper lip.
 - i. Shall be trimmed and not extend below the upper line of the upper lip.
 - ii. If worn alone, may not extend below the corners of the mouth.
 - iii. Extreme styles such as handlebar mustaches are prohibited.
- c. Goatee – a mustache that extends down around the side of the mouth and joins hair on the chin, also referred to as a circle beard.
 - i. Shall be worn with a mustache.

- ii. The cheeks, jaw line, and neck shall remain clean shaven.
- d. Natural Beard – also referred to as a full set.
 - i. Shall be worn with a mustache.
 - . Shall cover the complete jaw line.
 - i. Cheeks shall be shaved on and above the cheekbone.
 - ii. The neck shall be no more than one (1) inch below the jaw line.
- e. The following styles of facial hair are NOT permitted:
 - i. Chin Strap Beards – Beards that are trimmed to a thin line along the jaw.
 - ii. Patchy Beards – Beards of uneven or patchy growth.
 - iii. Stubble – Beards shorter than 1/16th of an inch.
- f. All facial hair shall conform to the following restrictions:
 - i. The bulk of the beard (distance that the mass of facial hair protrudes from the skin of the face shall not exceed 1/2 of an inch and kept trimmed to a consistent length;
 - ii. The beard will consist of a naturally occurring hair color;
 - iii. No designs may be shaved into facial hair;
 - iv. Facial hair must be neatly sculpted and trimmed at all times.
- g. Supervisors shall ensure employees conform to an approved style of facial hair.

NOTE: This policy recognizes that facial hair rate of growth may vary for different employees. As such, employees will be allowed a reasonable period of time for their facial hair to “grow in”.

4. Jewelry

- a. Female officers may wear earrings, one per ear, provided they are small and tasteful in appearance. Earrings are prohibited for male officers.
- b. Officers in uniform are discouraged from wearing chains and necklaces as they could be lost or cause an injury during the performance of police activities.
- c. Female officers assigned to civilian attire may deviate from these regulations with the approval of their supervisor
- d. To present a uniform and objectively neutral appearance to the public, non-departmental jewelry or pins shall not be worn on the uniform at any time or in plain clothes while on duty unless specifically authorized by the Chief of Police.
- e. Fingernail polish and lipstick, to be worn by female officers only, will be of a neutral color.
- f. Make-up, to be worn by female officers only, will be used sparingly and will be neutral in tone.
- g. Officers may wear two rings to include wedding rings/bands.

5. Personal Hygiene

Officers shall practice good personal hygiene at all times, including use of soap, water, and deodorant. Officers shall not report for work emitting an offensive body odor. The use of colognes, perfumes, and aftershaves shall be in moderation.

6. Tattoos, Body Art and Piercing

- a. While representing the Department in an official capacity, visible tattoos will be allowed with the following stipulations:
 - b. (1) Must not be offensive, or related to: racism, sexism, sexually suggestive or explicit in nature, profanity, or similar will not be tolerated.
 - (2) Tattoos visible on the face, neck, head, ears, hands or fingers will not be tolerated. *Exception – wedding band tattoos.
 - (3) Any new tattoos must be submitted, in detail, for approval by the Chief of Police prior to the tattoo being done.
 - (4) Any employee with a tattoo prior to this policy change must seek approval from the Chief of Police.

- c. With the exception of female officers with pierced ears, body piercing(s) are not authorized for wear by any officers while representing the Department. Body piercing(s) must be covered by the official uniform or plainclothes apparel when agency personnel are representing the Department.
- d. Facial tattoos and facial piercings are strictly prohibited and cannot be covered by any of the accepted means in subsection (a) or (b) above.

7. Miscellaneous

- a. All officers will practice proper hygiene so as not to offend other officers or the public.
- b. No officer will wear any pin, medallion or other type of jewelry or award of merit on a uniform except those authorized by the Department.
- c. When attending training on behalf of the Department, the officer's appearance and dress will be tasteful and not reflect negatively upon the Department.
- d. Officers assigned on special assignments requiring civilian clothing will do so at the authorization of the Chief of Police.

8. Bike Patrol Uniform

Shirt Type: Bike Patrol Polo

Brand: Sound Uniform

Color: Black with Royal Blue

Front of shirt should have the following:

1. Heat Press “POLICE” in reflective gray on right side of shirt.
2. First initial and last name embroidered on right side above “POLICE” in reflective gray (Badge Number optional due to chance of number changing in the future).
3. At least one pocket so that the body camera can be attached.
4. Generic Police Badge Patch (Badge patch color should match rank)

Back of Shirt should have the Following:

1. “POLICE” heat-pressed in reflective gray along the backside in large print.

Bike Shorts

STYLE: Police Bike Shorts

COLOR: Black or Dark Navy

1. Compression or track-type (Spandex) shorts worn with the uniform shorts must not be visible beneath the shorts.

Shoes & Socks

1. Shoes must be either athletic shoes, such as cross trainers, running, tactical tennis shoes or bicycle shoes.
2. Shoes and socks must be primarily “BLACK” with “Minimal” to no outline colors. Shoes with outline colors will be authorized at the discretion of the chief.
3. Socks must be ankle style socks and must not have visible writing or logos imprinted or embroidered.

Note: Only “Certified Bike Police Officers” are permitted to wear the bike uniform. Bike-certified officers are permitted to wear the bike uniform when performing bike patrol during their shift or when temperatures are forecast to reach 90 degrees.

9. Hot Weather Uniform

Uniform Shirt: Short-sleeved uniform shirt.

Uniform Shorts: Authorized uniform pants hemmed to shorts

1. Officers are authorized to wear shorts with their regular short-sleeved uniform shirt. The shorts must match the field shirt (same color and material).
2. Uniform shorts (excluding bicycle shorts) will be hemmed to a length of no more than one inch above the knee and will not extend below the knee.
3. Compression or track-type (Spandex) shorts worn with the uniform shorts must not be visible beneath the shorts.
4. Shorts will not be worn at any formal occasion. (e.g., ceremonies, funerals, etc.)

Shoes & Socks

1. Shoes must be either athletic shoes, such as cross trainers, running, tactical tennis shoes or bicycle shoes.
2. Shoes and socks must be primarily “BLACK” with “Minimal” to no outline colors. Shoes with outline colors will be authorized at the discretion of the chief.

Note: All officers are permitted to wear the hot weather uniform during patrol when temperatures are forecast to reach 90 degrees.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 406 Outside/Off-Duty Employment	
	Effective Date: 02/01/2023	Replaces: 06/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

The Chief of Police must ensure the continued efficiency and effectiveness of the Department while simultaneously reducing or eliminating conflicts of interest. To accomplish this, the Chief of Police shall manage according to whatever reasonable controls deemed necessary to restrict or regulate the conduct of the officers. It is the policy of the Department, therefore, to prohibit the off-duty employment of its officers when it may impair efficiency or conflict with their duties and responsibilities.

II. PURPOSE

To define regulations governing off-duty employment

III. DEFINITIONS

- A. Employment:** Any work performed, or services rendered for compensation, including self-employment, which does not require the potential use of police powers or is afforded solely based on one's status as a police officer.
- B. Police-Related Employment:** Employment which may entail the use of police powers granted by the State of Texas and the City of Terrell Hills or is solely afforded based on one's status as a police officer.

IV. GUIDELINES

1. Employment shall not constitute a conflict of interest. A conflict of interest, as determined by the Chief of Police, is any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of, or of a nature that brings discredit to, the department as a whole, or the officer.
2. Work hours shall not conflict with duty hours unless prior written authorization has been obtained, as well as prior arrangements made.
3. Only full-time paid peace officers will be authorized to engage in any police-related outside employment as sanctioned by Section 1702.322 of the Texas Occupations Code.

4. Officers shall not engage in any type of outside employment while on medical or light duty, or while under any restriction or limitation that prohibits the officer from working his/her regular full police duty shift.
5. Officers shall not engage in any type of outside employment on the same calendar day or the day after an officer failed to report for duty due to illness or injury until the officer completes at least one full duty shift prior to the outside employment, even if the date of employment should fall on the officer's relief days.
6. Officers shall not engage in any police- related outside employment while on suspension or administrative leave as a result of a disciplinary action, or while under official departmental investigation for any matter or incident.
7. The total number of combined work hours of employment shall not exceed (17) hours per day, including duty time, on any duty day, and is unlimited on relief days.
8. Police-Related Employment outside of Bexar County will be approved on a case by case basis only if the employment is in conjunction with the entity or agency having full jurisdiction in that respective area.
9. Serving as an employment agent and receiving compensation for procurement or the scheduling of police-related jobs for other Police Department officers is prohibited.
10. Officers, while engaged in police-related employment shall be subject to the orders of the on-duty Police supervisor while within the City of Terrell Hills.
11. Any officer currently in the field training program is prohibited from engaging in any police related outside employment.
12. Any probationary officer who has completed the Field Training Program may engage in police related off duty employment within the corporate jurisdictional boundaries of the City of Terrell Hills. Any employment outside the City of Terrell Hills will be on a case by case basis at the discretion of the Chief of Police.

V. ADMINISTRATION

1. All requests for police-related off-duty employment shall be in writing on the department's designated off-duty employment permit.
 - a. The permit shall be maintained in the files of the Chief of Police and be valid until midnight of December 31st in the current calendar year.
 - b. The approved permit is subject to periodic review by the Chief of Police. Any changes in any of the information contained on the permit will require a new permit.
 - c. The Chief of Police may revoke permission to work off duty if the officer fails to perform adequately on duty or receives disciplinary action.
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2. Employment at establishments, where 51% or more of the establishment's total Generated revenue is from the sale of alcohol, is strictly prohibited.
3. Officers are prohibited from employment by any firm connected with the towing or storage of vehicles, or at any sexually-oriented establishment. Officers are also prohibited from employment as a bill/debt collector, bodyguard, private investigator, or process server.
4. Arrests made while engaged in off-duty police-related employment shall be limited to felonies or criminal misdemeanors committed in the officer's presence or a breach of the peace jeopardizing public safety.
5. Unless authorized by the Chief of Police, the approved Department uniform shall be worn when working all police-related outside employment.
6. Work permits may be revoked at any time for any reason at the discretion of the Chief of Police.

D. Liability, Indemnification, Insurance

1. All officers who wish permission to engage in police-related off-duty employment shall complete the Department's Work Permit found at the end of this order. Permission must be granted by the Chief of Police before the officer may work off duty police-related employment. The Work Permit must specify:
 - a. precise nature of the work to be performed;
 - b. dates/times or schedule of the work performed;
 - c. whether or not intoxicants will be sold;
 - d. whether or not the employer has liability insurance.
2. The Department recognizes that an officer in police-related off-duty employment may undertake an action connected with the employment that the courts may construe as a law enforcement duty, and therefore a component of the police job. Officers are reminded that their off-duty performance must follow the same standards required for on-duty performance. Off-duty police actions, whether for a private employer or not, must comply with this policy and applicable law.
3. Officers are strictly prohibited from signing any type of liability release/liability indemnification or hold harmless agreement for a prospective employer as a condition of employment for that employer.
4. Work permits are still required if the employment takes place within the corporate jurisdictional boundaries of the City of Terrell Hills.



Terrell Hills Police Department Off-Duty Police Work Permit

Date:

To: Roger Mangum, Chief of Police

From: _____ Badge # _____

Ref: **Police-Related Off Duty Employment**

Place of Employment:

Location of Employment:

Dates & Hours of Employment:

Regular Duty Hours:

Employment Contact and Phone #:

Summary of Duties:

☐ Dept Uniform Alternate Uniform (Rodeo, Strawberry Fest, Bike Patrol) Non-Uniform

Will Intoxicants be Sold? Yes No

Does employer have liability insurance? Yes No

Officer Signature: _____

Chief: _____ Comments: _____

Work permits expire at midnight on December 31st of each year unless otherwise specified.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 407 Grievance/Appeals Procedure	
	Effective Date: 02/01/2023	Replaces: 06/2020
	Approved: Gail Baham Chief of Police	
	Reference: Terrell Hills Employee Handbook Sec 22	

I. POLICY

The Department's goal is to provide fair, equitable, and clearly defined means for the resolution of grievances, to ensure all officers, regardless of rank, are afforded reasonable opportunity to present the facts bearing on any grievance, and to guarantee the opportunity to exercise the rights set forth in this order. Every officer of this Department has the right to be heard whenever he/she alleges mistreatment. A grievance process that affords officers the opportunity to air a complaint helps reduce dissatisfaction, identify organizational problems, and increase morale.

The Department retains the right under applicable laws and regulations to direct officers in the performance of their duties; to take the necessary means to achieve the proper ends under emergency situations; and to hire, promote, transfer and assign officers as well as to suspend, demote, discharge or take disciplinary action against any officer for just cause.

II. PURPOSE

The purpose of this order is to establish grievance procedures for all officers, regardless of rank, to resolve disputes or complaints concerning the terms or conditions of employment.

III. APPLICABILITY

This policy includes all full-time paid officers, regardless of rank, except for the following exclusions:

1. Any officer who has voluntarily resigned will not have access to the grievance procedure after the effective date of the resignation.
2. Any non-probationary officer who has been removed from employment shall not have access to the grievance procedure, except to grieve a removal resulting from a formal discipline, unsatisfactory job performance or other involuntary separation. This grievance must be filed within (5) five calendar days of the dismissal date.
3. Any probationary officer will not have access to the grievance procedure to grieve the reason(s) for involuntary separation.

IV. WHAT IS GRIEVABLE

A grievance is a complaint or dispute of an employee relating to employment, including but not necessarily limited to:

- A. Disciplinary actions, including terminations (whether resulting from formal discipline or unsatisfactory job performance or an involuntary separation), demotions, and suspensions.
- B. The improper application of personnel policies, procedures, rules and regulations, ordinances and statutes.
- C. Acts of reprisal as a result of use of the grievance procedure or of participation in the grievance of another employee.
- D. Complaints of discrimination on the basis of race, color, creed, political affiliation, age, handicap, national origin, or sexual orientation or affiliation.
- E. Intimidation because of participation or failure to participate in political activities.

V. WHAT IS NOT GRIEVABLE

Management reserves the exclusive right to manage the affairs and operations of the Department. Accordingly, the following complaints are not grievable under this order:

- A. Establishment and revision of wages, salaries, positions, classifications, work hours, or general benefits.
 - B. Work activity accepted by the officer as a condition of employment or work activity which may reasonably be expected to be a part of the job content. (The measurement and assessment of work through a performance evaluation shall not be grievable except where the employee can show that the evaluation was arbitrary or capricious.)
 - C. The contents of established personnel policies, orders, directives, and statutes.
 - D. Failure to be promoted (except where the employee can show that established promotional policies or procedures were not followed or applied fairly).
 - E. The methods, means, and personnel by which work activities are to be carried on.
 - F. Dismissal, layoff, demotion, or suspension from duties because of lack of work, reduction in the work force, or job abolition. (Non-disciplinary)
-

- G. The non-disciplinary hiring, transfer, assignment, and retention of officers within the department.
- H. The relief of employees from duties during emergencies.
- I. The city's financial, budgetary, accounting, compensation, and organizational policies and procedures.
- J. Management of city employees, including the right to determine the duties to be included in a job classification; to make personnel appointments in accordance with adopted selection policies and techniques; to determine the number of persons to be employed or retained as employees, including the right to lay off employees whenever it is deemed to be in the best interest of efficiency or productivity or whenever necessitated by lack of funds or reduced workload; to establish rules and regulations governing work performance and conduct of performance evaluations; to transfer and assign employees within the department; to determine the need for shift operation and rotation of the work week; to assign overtime; to determine job training and career development; and to determine duties or actions in emergencies.

VI. PROCEDURES

1. Informal Grievance – The first step in the grievance procedure is for the officer to attempt to resolve the grievance by informal conference with their immediate supervisor. If formal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, they may file a formal, written grievance.
2. Formal Grievance – A formal grievance must be in writing, signed by the officer, and forwarded through their immediate supervisor to the Chief of Police within (5) five working days from the date the alleged grievance occurred. A statement of a remedial action requested by the officer must be included in the written grievance. However, if an officer feels it is ill advised or would be prejudicial to file a grievance with the Chief of Police, written contact can be made to the City Manager.
3. After being presented with a formal grievance, the Chief of Police will:
 - a. Consult with the officer and such other persons as may be necessary to gather the facts;
 - b. Notify the City Manager;
 - c. Attempt to resolve the grievance with the officer;
 - d. Communicate the decision to the officer in writing within (5) five working days after receipt of the written grievance, sending a copy of the decision to the City Manager. **(Does not apply to the appeal of a disciplinary action)**

4. If the officer either receives no written decision from the Chief of Police after (5) five working days from the date the written grievance was filed, or the officer is not satisfied with the proposed resolution, the officer must file a written appeal to the City Manager within (5) five working days. The City Manager will review the facts, meet with the parties involved, and respond in writing to the officer within (5) five working days of the date the appeal was received by the City Manager. **(Final step for all grievances and disciplinary action less than a termination)**
5. Failure to appeal is a determination that the officer is satisfied with the last decision.
6. Final Appeal – If the officer is dissatisfied with the City Manager’s appeal decision, they must appeal, within (10) ten working days after the appeal decision was received, to City Council for a review of the termination. The written appeal shall be given to the City Secretary who will date stamp the document envelope received and forward it to the Mayor within (5) five working days of receiving the written appeal. After review by City Council, a written decision of the grievance will be provided to the employee within (10) ten working days after its review.

VII. FINAL AUTHORITY

The City Council’s Action regarding the appeal will be final and binding on all parties.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 409 Performance Evaluations	
	Effective Date: 02/01/2023	Replaces: 06/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

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

II. PURPOSE

The purpose of this order is to outline and describe the Departmental evaluation process.

III. PROCEDURES

A. General

1. All officers shall be evaluated using the City's designated Personnel Evaluation Form. Supervisors will be trained in the scoring and evaluation guidelines utilized on this form to ensure a fair and standardized evaluation for all officers.(TBP 4.08 and 4.09)
2. Evaluations shall be based on personal knowledge, observations, perceptions, and any officially documented information pertaining or relating to a specific rating category, that occurred during that rating period only.
3. Officers shall be rated as having not achieved minimum expectations, demonstrates progress towards expectations, achieves expectations, exceeds expectations, or demonstrates exceptional performance.

4. Each officer shall be evaluated annually by their immediate supervisor to address potential weaknesses, seek solution(s), and to set goals for that officer. To constitute a satisfactory evaluation, an officer must receive an overall rating of at least 50% .
5. All performance evaluations will cover a calendar year and shall be completed, reviewed with, and signed by both the officer as well as the rating supervisor.
6. All evaluations shall be submitted to the Chief of Police through proper channel by September 15th of each calendar year, and will subsequently be forwarded to the City Manager for review, and then be placed in the officers' personnel files.
7. An officer who receives an unsatisfactory rating, which he or she perceives to be unjust, may appeal such evaluation to the Chief of Police through proper channel.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 410 Safety and Accident Prevention	
	Effective Date: 02/01/2023	Replaces: 06/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

The success of the Terrell Hills Police Department depends on our effective use of resources to produce high quality service for the citizens of our community. Our most important resource is our officers, and we are committed to providing a safe and healthful workplace.

II. PURPOSE

To address, evaluate, and prevent workplace accidents from occurring and/or reoccurring.

III. PROCEDURES

A. SUPERVISOR RESPONSIBILITIES:

1. Identify, report, and correct workplace hazards that could result in accidents or injuries.
2. Provide leadership and direction concerning safety activities within the Department.
3. Enforce all safety rules and review losses for any potential trends.
4. Participate in and support all audits/investigations of work related accidents or injuries and make recommendations on corrective or preventative action.
5. Ensure officers are properly trained before operating specialized equipment, and any necessary safety equipment is being utilized.
6. Ensure that the proper personal protective equipment is available and used by officers when required.
7. Ensure that all officers receive the necessary and mandatory safety training.

8. Encourage inputs and suggestions regarding safety from officers under your supervision, and forward through proper channels.
9. Obtain prompt first aid for any officer injured.

B. OFFICER RESPONSIBILITIES

1. Report any identified hazards immediately to your supervisor.
2. Comply with and implement all safety practices currently in place.
3. Use protective equipment as the job requires.
4. Refrain from unsafe acts or “horseplay” that could injure fellow officers or the general public.
5. Do not use or operate unfamiliar equipment.
6. Report all accidents to appropriate supervisor as soon as they occur.

IV. REPORTING OF ALL WORKPLACE ACCIDENTS/INJURIES

A. City Vehicle Accidents

1. All accidents involving any City owned vehicle shall be reported immediately to the Chief of Police or his designee.
2. Accidents will be investigated by on-duty supervisor if within Terrell Hills.
3. If accident occurs outside the City Limits of Terrell Hills, the appropriate agency having jurisdiction will be contacted and investigate the accident.
4. In the event the accident took place on private property within another jurisdiction and the agency having appropriate jurisdiction refuses to investigate it since it occurred on private property, the on-duty supervisor will respond and conduct the accident investigation.
5. If the accident took place out of county, the officer will collect the other driver’s information along with the reporting agency’s case number, officer’s name, and agency telephone number.
6. At the discretion of the Chief of Police, an accident review board- consisting of (1) Patrol Lieutenant, (1) Patrol Sergeant and (1) Patrol Officer - may be convened if the circumstances surrounding the accident are questionable. Such board will determine if the accident could have been prevented, and make any applicable recommendations.

7. A random post-accident drug test may be required at the City's expense following a City Vehicle Fleet Accident.

B. On the Job Injuries

1. All on-the-job injuries will be reported immediately to the Chief of Police and the Human Resources Manager.
2. The on-duty supervisor will investigate and complete an incident report concerning the events or details leading up to any on-the-job accident and/or injury and forward such report to the Chief of Police.
3. The injured officer will be required to coordinate with the Human Resources Manager and provide appropriate medical releases, limitations, etc. in the event the officer is out of work due to the sustained injury.
4. All officers making claim for any injury on-the-job shall cooperate fully with any investigators or adjusters from the City's Workers Compensation Insurance Carrier.

V. Accident Review and Prevention

1. The Chief of Police or his/her designee will conduct an annual review of all reports of on-the-job injuries and fleet accidents.
2. In the event that any were preventable, corrective action will be undertaken to include but not limited to policy changes, specialized training, acquisition of equipment, and disciplinary action in order to reduce or eliminate reoccurrence.
3. As preventative training, officers will be required to complete specialized safety-oriented training as deemed necessary by supervisory or management personnel.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 411 Medical & Psychological Examination of a Licensee	
	Effective Date: 08/07/2024	Replaces:
	Approved: Gail Baham Chief of Police	
	Reference:	

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

1. POLICY

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

2. MEMBER RESPONSIBILITIES

2.1 It is the responsibility of each member of this agency to maintain physical stamina and psychological stability sufficient to effectively perform the essential duties of the position.

2.2 Any member who feels unable to perform their duties shall promptly notify a supervisor. In the event a member believes that another agency member is unable to effectively perform their duties, such observations or belief shall be promptly reported to a supervisor.

3. SUPERVISOR RESPONSIBILITIES

3.1 All supervisors should be alert to any indication that a member may be unable to safely perform their duties due to an underlying physical or psychological impairment or condition.

- 3.2** Such indications may include, but are not limited to the following:
- a) An abrupt and negative change in the member's usual or normal behavior;
 - b) A pattern of irrational conduct, hostility, or oppositional behavior;
 - c) Personal expressions of instability;
 - d) Inappropriate use of alcohol or other substances, including prescribed medication;
 - e) A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions; and
 - f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

3.3 Supervisors shall maintain the confidentiality of any information consistent with this policy.

4. REPORTING

4.1 A supervisor observing a member, or receiving a report of a member, who has just cause to believe the member is unable to effectively perform their duties shall promptly document all objective information or observations.

4.2 The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

4.3 If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document observations and actions in writing and inform the appropriate supervisor within the member's chain of command.

5. DUTY STATUS FITNESS-FOR-DUTY EXAMINATION

5.1 The appropriate supervisors within the member's chain of command should make a preliminary determination regarding the member's duty status.

5.2 If a determination is made that the member can effectively perform essential job functions, the member should be returned to duty and arrangements made for appropriate follow-up.

5.3 If a preliminary determination is made that there is just cause to believe the member's conduct or behavior represents an inability to effectively perform essential job

functions, the appropriate supervisor should immediately relieve the member of duty pending further examination.

5.4 Members relieved of duty shall comply with the administrative leave provisions as set out by agency policy.

5.5 The chief administrator shall be promptly notified if any member is relieved of duty.

6. FITNESS-FOR-DUTY EXAMINATION

6.1 A fitness-for-duty examination (FFDE) may be ordered whenever circumstances reasonably indicate that a member is unfit for duty.

6.2 DEFINITION OF A FFDE: An FFDE is a formal, specialized examination of an incumbent member that results from:

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

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

6.3 THRESHOLD CONSIDERATIONS FOR A FFDE: Referring an member for an FFDE is indicated whenever there is an objective and reasonable basis for believing that the member, as a result of a medical or psychological condition or impairment:

- a) May be unable to perform one or more essential job functions; or
- b) Poses a direct threat to themselves or others.

An objective basis is one that is not merely speculative but derives from direct observation or other reliable evidence.

6.4 When deciding whether to conduct an FFDE, both the employer and examiner may benefit from considering its potential usefulness and appropriateness given the specific circumstances, and the employer may consider whether other remedies (for example, education, training, discipline, physical FFDE) are appropriate.

6.5 The examiner strives to remain impartial and objective and to avoid undue influences by any of the parties involved in the case.

6.6 Mental health professionals refrain from rendering fitness-for-duty opinions when they are not conducting an FFDE.

7. PROCESS FOR NON-SWORN PERSONNEL

7.1 The chief administrator, in cooperation with the personnel department, may order a member to undergo an FFDE whenever a question arises as to whether the member is medically or psychologically fit to continue in their duties. The examination shall be conducted by the member's personal physician, psychiatrist, or psychologist, as required by agency policy.

7.2 To facilitate the examination of any member, the agency will provide all appropriate documents and available information to the person or entity responsible for conducting the examination.

7.3 The examining practitioner will provide the agency with a report indicating whether the member is fit for duty. If the member is unfit for duty, the practitioner will include the existing restrictions or conditions in the report.

7.4 A second examination may be ordered by the appropriate authority if the member, the civil service commission, or the chief administrator questions the practitioner's report. The examination will be conducted by a physician, psychiatrist or psychologist appointed in accordance with the procedure adopted by the governing body. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the member's fitness shall be decided in accordance with applicable laws, provisions of collective bargaining, meet and confer, other agreements, or policies.

7.5 All reports and examinations submitted by the examining practitioner shall be part of the member's confidential medical file.

7.6 Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the personnel department.

7.7 Any member ordered to undergo a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

8. PROCESS FOR PEACE OFFICERS

8.1 The chief administrator, in cooperation with the personnel department, may order an officer to undergo an FFDE whenever a question arises as to whether the officer is medically or psychologically fit to continue in their duties. The examination shall be conducted by the officer's chosen physician, psychiatrist, or psychologist, as appropriate and in accordance with applicable laws, including Texas Local Government Code §§ 143.081 and .1115, provisions of collective bargaining, meet and confer, other agreements, or policies.

8.2 The chief administrator shall provide written notice of the examination to the license holder not later than the tenth business day before the deadline to submit to the examination. Written notice shall include the reasons for the examination.

8.3 To facilitate the examination of any member, the agency will provide all appropriate documents and available information.

8.4 The examining practitioner will provide the agency with a report indicating whether the officer is fit for duty. If the officer is unfit for duty, the practitioner will include the existing restrictions or conditions in the report.

8.5 A second examination may be ordered by the appropriate authority if the officer, the civil service commission, or the chief administrator questions the practitioner's report. The examination will be conducted by a physician, psychiatrist or psychologist appointed in accordance with the procedure adopted by the governing body. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the officer's fitness shall be decided in accordance with applicable laws, provisions of collective bargaining, meet and confer, other agreements, or policies.

8.6 All reports and examinations submitted by the examining practitioner shall be part of the officer's confidential medical file.

8.7 Determinations regarding duty status of officers who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the personnel department.

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

9. AGENCY'S RESPONSIBILITIES TO NOTIFY TCOLE

9.1 License Holder: A Texas County Jailer, Peace Officer, or Telecommunicator.

9.2 The chief administrator shall notify the Texas Commission on Law Enforcement (TCOLE) upon a final determination that a license holder is unable to effectively perform essential job functions. This notification shall be in writing and submitted to TCOLE within 30 days of the final determination that the license holder is unable to effectively perform essential job functions.

9.3 The chief administrator shall notify TCOLE if a license holder fails to submit to an examination within the deadline set by the agency. This notification shall be in writing and submitted to TCOLE within 30 days after the deadline set by the agency has expired.

9.4 The chief administrator shall notify TCOLE as soon as practicable if a license holder has completed the required examination or received notice that the license holder's circumstances have been successfully resolved.

10. FITNESS-FOR-DUTY EXAMINATION MINIMUM STANDARDS

10.1 Given the nature of these examinations and the potential consequences to the employer, the examinee, and the public, it is important for examiners to perform FFDEs with maximum attention to the relevant legal, ethical, and practice standards and guidelines. Such standards include, but are not limited to, the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct. Consequently, it is recommended that these examinations be conducted by a psychologist, psychiatrist, or medical doctor with the appropriate qualifications.

10.2 Depending on the referral question and the examiner's professional judgment, an FFDE examiner strives to utilize multiple methods and data sources to optimize the accuracy of findings. Examiners integrate the various data sources, assigning them relative weight according to their known reliability and validity. The range of methods and data sources used by an FFDE examiner can vary, but such suggestions and further information about this process can be found in the International Association of Chiefs of Police (IACP) 2018 Psychological Fitness-for-Duty Examination.

10.3 When conducting the FFDE, it may be necessary for the examiner to receive background and collateral information regarding the member's past and recent performance, conduct, and functioning. The information may include, but is not limited to, job class specifications or job description, performance evaluations, previous remediation efforts, commendations, testimonials, internal affairs investigations, formal

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

11. APPEALS

11.1 Members disputing the application or interpretation of this policy may submit a grievance as provided in the applicable grievance policy.

12. RESOURCES FOR MEDICAL AND PSYCHOLOGICAL EXAMINATIONS

1. *2018 Psychological Fitness-for-Duty Evaluation Guidelines from the IACP*
2. *The APA Professional Practice Guidelines for Occupationally Mandated Psychological Evaluations*
3. *2017 American College of Occupational and Environmental Medicine Guidance for the Medical Evaluation of Law Enforcement Officers*

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 501 Use of Force	
	Effective Date: 02/01/2023	Replaces: 08/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Officers are confronted daily with situations requiring the use of force to effect an arrest, ensure public safety, and preserve the peace. Although many of the decisions and actions either made or taken by police officers have serious consequences, none are as irrevocable as the decision to use force, particularly deadly force. The degree of force used depends on what the officer perceives as reasonable and necessary, under the circumstances, at the time he/she decides to use such force. Police Officers are armed and trained in the use of both firearms and other specialized weapons in order to carry out their responsibility to protect themselves or others from harm by violent offenders. This defensive action is necessary and supported by the Police Department.

II. PURPOSE

To establish guidelines regulating the use of force and its limitations, and to clearly describe prohibited activities.

III. DEFINITIONS

A. Deadly force

Deadly Force: Force which is intended or known, by the actor, to cause, or in the manner of its use or intended use, is capable of causing death or serious bodily injury.

B. Non-Deadly force

Non-deadly Force: Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

C. Reasonable Belief

1. Reasonable Belief: This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the offender, and the level of imminent or potential danger to themselves and the community.
2. In evaluating the reasonable application of force, officers may consider their own age, size, strength, state of health, proficiency with available department weapons, and the number of officers opposing the number of offenders.

D. Force:

The amount of “active power, strength or energy” which is necessary to overcome an offender’s physical resistance. **Texas Code of Criminal Procedure, Article 15.24. What force may be used.** In making an arrest, all reasonable means are permitted to be used to effect it. No greater force, however, shall be resorted to than is necessary to secure the arrest and detention of the accused.

E. Excessive Force

Force is excessive when its application is unreasonable and unnecessary under the circumstances, resulting in **any** injury, serious bodily injury or death to an actor. The U.S. Supreme Court, in Graham v. Connor, 490 U.S. 386 (1989), set forth guidelines for determining whether force has been excessively applied: the primary concern being reasonableness in its application, as judged by the on-scene officer. In evaluating the reasonable application of force, officers must first consider their own age, size, strength, skill level with Department approved weapons, state of health and the number of officers as opposed to the number of actors. Based on the reasonableness standard, the following considerations contribute to a determination of excessive force:

1. The severity of the crime;
2. The nature and extent of the threat posed by the suspect;
3. The degree to which the suspect resists arrest or detention; and
4. Any attempts by the suspect to evade arrest by flight.

F. Bodily Injury

Means physical pain, illness or any impairment of physical condition.

G. Serious Bodily Injury

A physical injury which creates a substantial risk of death, or which causes death or serious protracted disfigurement or impairment of the function of any bodily organ or limb.

H. Impact Weapon

Any object, regardless of its original manufactured purpose, which can be utilized to strike a person with sufficient force so as to cause bodily injury, serious bodily injury or death.

I. Firearm

Any weapon from which a projectile is forcibly ejected by an explosive.

J. Extreme Circumstance

The need for the immediate protection of life, when circumstances do not allow for any other option(s).

IV. PROCEDURES

A. Use of Non-deadly Force (TBP 6.01)

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

B. Use of Deadly Force (TBP 6.02)

Law enforcement officers are authorized to use deadly force when **any** of the following apply:

1. To protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm.

2. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others. Where practicable prior to discharge of the firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot.
3. Because of the low probability of penetrating a vehicle with a handgun, officers threatened by an oncoming vehicle should attempt to move out of its path, if possible, instead of discharging a firearm at it or any of its occupants. However, if an officer reasonably believes that a person is immediately threatening the officer or another person with deadly force by means of a vehicle, an officer may use deadly force against the driver of the vehicle.
4. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously ill or injured, when the officer reasonably believes that deadly force can be used without harm to the officer or others. In these circumstances, a supervisor shall be contacted prior to the use of deadly force if time permits. *Reference: Dispatch of Wildlife*

V. LIMITATIONS ON FORCE

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

- A. Application of choke hold or carotid control holds, unless the officer reasonably believes such holds are the only means of protecting himself or herself or another person from an imminent threat of serious physical injury or death and the use of deadly force would be authorized.
- B. Use of Streamlites, Kel-Lites, Mag-Lites, or other metal flashlights as batons. An officer may use a flashlight or other object designed for a use other than as a weapon only to defend himself, herself or another from imminent serious bodily injury or death and then only if other Departmentally sanctioned methods are not available or are impractical. Any such use may be deemed an application of deadly force.

VI. TRAINING

- A. In the course of official duty, it is imperative that a police officer act within the boundaries of law, professional ethics, good judgment and accepted practices. It is equally important that an officer be prepared by training, leadership and direction to act wisely when using a firearm or any other prescribed use of force. For these reasons, each commissioned employee must be given a copy of this General Order

and properly trained in this Department's policy on the *Use of Force* before being authorized to carry a firearm and then annually thereafter.

- B. Except under extreme circumstances, no officer shall use or attempt to use any technique, tactic or weapon for which he has not been fully trained. Said training must have been accomplished in a manner to meet or exceed Texas Commission on Law Enforcement Standards and as approved by the Department.

1. Weapons

- a. While on and off duty, officers shall carry only weapons and ammunition authorized by, inspected by, and registered with the Department.
- b. Authorized weapons are those with which the officer has qualified in accordance with standards set by TCLEOSE, received Departmental training on proper and safe usage, and that comply with Departmental specifications, and are approved for Departmental use.
- c. The Department shall schedule regular training and qualification sessions which include inspection of duty and off-duty firearms and are conducted at a minimum annually.
- d. Officers who fail to receive a passing score with their duty weapons, in accordance with Department qualification procedures, will receive remedial instruction and will be allowed to repeat the course of fire two additional times. Officers still failing to qualify shall be relieved of their Police powers and immediately assigned to non-enforcement duties or placed on administrative leave. At the discretion of the Chief of Police these officers may be given additional remediation or terminated.
- e. An officer shall not be permitted to carry any off-duty weapon with which he has not been able to qualify during the past twelve (12) months.
- f. Any officer who has taken extended leave or suffered an illness or injury that could affect his use of firearms ability will be required to re-qualify before returning to enforcement duties.

2. Non-Deadly Force

- a. Officers are not permitted to use a non-deadly weapon unless qualified in its proficient use as determined by training procedures. Proficiency in the use of non-deadly weapons will be demonstrated biennially.

- b. The following non-deadly weapons are authorized:
 - (1) Expandable baton; or
 - (2) O.C. pepper spray.
 - (3) Electronic Control Devices (Taser)
 - (4) Less-than-lethal Munitions (Bean Bag Shotgun)
 - (5) BOLAWRAP Device
- 3. Proof of training for each level utilized must be on file with the Department before the use of that particular level of force is employed.
- 4. It shall be the responsibility of the officer receiving the training to ensure that a copy of all training certificates received is forwarded to the Chief of Police or his designee immediately following the completion of any school, particularly those where training in the use of force is concerned.

VII. USE OF FORCE CONTINUUM

- A. When an individual is arrested he may:
 - 1. Submit;
 - 2. Flee; or
 - 3. Fight.
 - a. Passive Resistance. Actor pulls away from the officer, but does not present a threat or actively resist.
 - b. Active Resistance. Actor actively attacks officer or, through his own actions, aggressively resists arrest.

- B. Officers may escalate to the levels of force prescribed within this policy to overcome either increasing resistance or on increasingly dangerous threat to public safety.
- C. The escalation in the use of force typically follows a pattern: officer's presence, verbal command, compliance techniques such as chemical agents, soft-hand control and restraint, defensive tactics (e.g., striking techniques/impact weapons) and finally, deadly force. Officers must understand how to recognize increasing and decreasing levels of threat and respond appropriately.
- D. In response to the above situations, officer(s) shall proceed within the following guidelines:

Level 1: **Officer Presence** - Best illustrated when the officer arrives at the scene. The person sees the officer and does not alter his illegal behavior. The person knows that the individual who has just arrived at the scene is a police officer because of the marked patrol vehicle, the uniform or the visible badge.

Level 2: **Verbal Commands** - Best illustrated when:

1. The officer advises the person to keep quiet, move along, etc. The person can clearly hear the officer's directions.
2. The severity of the situation has increased to the point that the person may be a suspect or actor in a crime or complaint. The officer is now giving direct orders to the person such as get on the ground, get back, leave the premises, cease his actions, etc.
3. Escalation of voice tone or severity of language may, under appropriate circumstances, constitute an additional step in the verbal commands stage of the force continuum.

Level 3: **Control and Restraint** (Empty or Soft Hand, **BOLAWRAP Device**) - Best illustrated when the officer applies handcuffs, a wrist lock, take down, pressure point techniques, etc. Most police officer's defensive tactics techniques will fall in this category since they are designed for gaining control of the person and do not have a high potential for injury. Officers will receive additional/refresher training at a minimum of once each training cycle.

BOLAWRAP Device: Deployment of the BOLAWRAP device falls under LEVEL 3 since its purpose is to restrain a subject. **Only officers who receive specialized training and certification are authorized to deploy the BOLAWRAP device.**

- Level 4:** **Electronic Control Device (Taser)**- Designed to conduct energy to effect the sensory and motor functions of the central nervous system and muscle groups and temporarily immobilize a person, or elicit cooperation through pain compliance. **Only officers who receive specialized training and certification are authorized to deploy any electronic control device. In addition, annual recertification is required to maintain proficiency.**
- Level 5:** **OC/Pepper Spray** - Creates a low level of incapacitation with minimal chance of injury. The person may be attempting to physically attack the officer or blatantly refusing to comply with verbal commands as described in Subsection 2 of Level 2 above. **Only officers properly trained are authorized to deploy such and biennial recertification is required to maintain proficiency.**
- Level 6:** **Striking Techniques** (Empty or Hard Hand) - An increase in the level of resistance by the person, punching or increased struggle, may cause the arresting officer to respond by striking the suspect. These blows shall be directed towards areas which are not likely to cause great bodily harm (i.e., motor points, muscle groups, navel area, etc.).
- Level 7:** **Impact Weapons (Expandable Batons)** - Any strikes should be directed toward approved striking points. Any blows to the head, neck, throat or spine shall be avoided. Should the person produce a deadly weapon or otherwise attempt to kill or seriously injure the officer or a third party, the officer may escalate to **Level 8 or 9**. Under emergency conditions, emergency impact weapons may be employed. **Only officers properly trained are authorized to deploy such and biennial recertification is required to maintain proficiency.**
- Level 8:** **Less-Lethal Munitions**- Considered an advanced impact weapon. Designed to take down and incapacitate a suspect but not without the risk of some type of injury. **Only officers who receive specialized training and certification are authorized to deploy any less lethal munitions. In addition, biennial recertification is required to maintain proficiency.**
- Level 9:** **Deadly Force** - Best illustrated when the officer must discharge his firearm at a person, apply a choke hold or carotid restraint and/or strike him with an instrument in a manner that is likely to cause death or serious bodily injury.

VIII. DE-ESCALATION IN RELATION TO USE OF FORCE

A. De-escalation of force:

1. When employing necessary force, which is greater than an officer's presence, and this level of force is being employed to achieve a lawful police objective, officers shall de-escalate their use of force options when a subject's actions indicate that the initial use of force has achieved an acceptable level of compliance by a Subject.

- a. If circumstances allow, Officers should attempt to de-escalate tense situations through "advisements, warnings, verbal persuasion, and other tactics" to reduce the need for force.

2. The de-escalation of force principle requires an officer to decrease the scope, or intensity of physical force being employed against a subject only when the resisting or noncompliant subject clearly demonstrates that he or she has decreased the level of resistance against an officer who is attempting to achieve a lawful police objective.

3. The de-escalation of force can be viewed as a direct relationship between a subject's resistance level to an officer's use of force level. As a subject decreases his or her level of resistance, the responding officer also decreases the level of force required to gain compliance.

IX. DUTY TO INTERVENE WITH EXCESSIVE USE OF FORCE:

- A. All employees who is present at the scene and who fails to take reasonable steps to protect the victim of another officer's use of excessive force can be held liable. 42USC, Sec. 1983.

B. All employees may face personal liability for failure to stop other officer(s) from using excessive force in his presence.

C. All employees, regardless of rank, has an **affirmative duty** to intervene to stop other officer(s), regardless of rank, who are engaging in excessive use of force in his presence.

- D. All employees who observe another officer(s), regardless of rank, excessive use of force shall, without unnecessary delay, report the excessive use of force, in writing, to a supervisor.

X. REPORTING USE OF FORCE

A. If officers have employed any use of physical force (other than the routine use of handcuffs or use of a firm grip to direct the movements of a subject) or used any impact, electrical, or chemical weapons, pointed or discharged any firearm, they shall first promptly provide for appropriate medical aid for the subject. (TBP 6.07)

B. Officers shall document any application of force except for those arising in training or Departmental demonstrations, and:

1. Immediately notify the on-duty supervisor. The supervisor or Chief of Police shall determine if an immediate investigation is required.
2. Photographs of the subject will be taken as soon as possible after the use of force to document any injury or lack of injury.
3. Submit a Use of Force form to the Chief of Police prior to the end of shift describing the incident, the force used, and any medical aid rendered. The Use of Force form shall be in addition to any other required reports. (TBP 6.03)

XI. DEPARTMENTAL REVIEW (TBP 6.10)

A. Review

i. The officer's supervisors and the Chief of Police shall review all reported uses of force to determine whether:

1. Departmental orders were violated.
2. Relevant Departmental policy was clearly understandable and effective to cover the situation.
3. Departmental training was adequate.
4. Departmental equipment operated properly.

- ii. At least annually, the Chief of Police shall conduct an analysis of use-of force incidents to be made available to the public and to determine if additional training, equipment, or policy modifications may be necessary.

Internal investigations

- i. An internal investigation will be conducted on any firearms discharge (other than training), and any other use of deadly force by members of the Department. An internal investigation may be conducted on other uses of force incidents if a violation of law or department policy is suspected. In addition to the internal investigation, a criminal investigation shall also be conducted in any firearms discharge or other use of force incident where an officer or other person is injured or killed and in any other circumstances where a violation of law is suspected. The criminal investigation will be conducted by the Texas Rangers and the results may be presented to the Grand Jury for review.
- ii. Procedures for Officer Involved Shooting Investigations are covered in Policy 604.

C. Assignment

Pending administrative review, any officer whose actions have resulted in the death or serious bodily injury of another person, either through the intentional use of force or by accident involving a use of force or vehicle accident, shall be removed from line-duty assignment. This action protects both the officer's and the community's interest until the situation is resolved. This re-assignment is not considered punitive in nature. (TBP 6.08)

XII. INVESTIGATIONS

A. Police officers shall not unreasonably or unnecessarily endanger themselves or the public when applying the guidelines in this general order.

B. Non-Deadly Force

- 1. ***Except for deadly force***, the application of any degree of force is only justified when the officer reasonably believes that it is necessary:
 - a. to prevent escape from custody, make an arrest or an investigative detention of a person the officer believes has committed a crime;

- b. to defend himself or another person from what the officer believes is the use of force while trying to arrest another, prevent his or her escape, or otherwise lawfully take the person into custody; or
- c. to bring an unlawful situation safely and effectively under control.

2. When using non-deadly force, all personnel shall adhere to applicable law and standards governing the use of force under the Fourth Amendment of the U.S. Constitution, applicable judicial interpretations and to the guidelines set forth in the continuum of force.

3. At all times, when practical, an officer should be issuing verbal commands in an attempt to gain voluntary compliance from the actor. It is important to note that sometimes, because of the actor's actions, it may be necessary to alleviate or skip certain levels in the force continuum. Also, the continuum of force works in both directions. Any time the level of resistance by the person is increased or decreased, the officer must adjust his level of response accordingly.

C. Investigations: Non-Deadly Force

1. All "Use of Force" investigations shall be conducted by the Chief of Police or his designee.

2. Facts or circumstances unknown to the officer shall not be considered in later determining whether the force was justified. The Department expects officers to employ the minimum force reasonably necessary to accomplish a legal purpose, in all applications of force.

3. Any time a chemical agent or impact weapon is used or when the use of force by an officer results in injury, *claimed* injury or damage to property of any person, the immediate supervisor of the officer(s) utilizing the use of force, will complete the Use of Force Report Form and route it to his or her immediate supervisor. If the officer's supervisor is off-duty, or otherwise unavailable, the next level supervisor in the officer's chain of command shall be notified to complete the Use of Force Report Form.

- a. The supervisor shall act in a fact finding capacity, to gather as much information as possible, so that a decision can later be made as to whether or not a formal investigation is warranted. Toward this end, the supervisor will fill out the form as completely as possible and shall have the officer(s) involved complete the portion of the form intended for the employee's narrative. The supervisor will not render a decision as to whether or not the use of force was appropriate, nor will he recommend any disciplinary action. The employee's supervisor will then forward the completed form to the Chief of Police and/or his designee.

- b. Use of Force Reporting System: Completed forms shall be filed in the Department Records Section in a designated file. A copy will also be maintained by the Chief's office in a separate file and location. The forms will be retained for a period of three (3) years and maybe destroyed on the fourth year as prescribed by Records Retention and Destruction Policy.

D. **Investigations: Non-Deadly Force Firearms Discharge** (TBP 6.06)

1. Shooting incidents associated with training, target practice, hunting and ballistic examinations require no investigation.
2. An employee's supervisor shall conduct a preliminary investigation into shooting incidents associated with the destruction of a vicious animal (not to include the dispatch of a sick or injured animal) or an accidental discharge with no injuries. The findings of these investigations shall be submitted to the Chief of Police, through the chain of command. (TBP 6.06)
3. All employee(s) who are involved in or witness an accidental or intentional discharge of a weapon shall submit a written report of the incident. The report shall be completed and approved by a supervisor before the end of that tour of duty.

E. **Deadly Force**

1. The policy of this Department shall be in accordance with the **Fourth Amendment to the U.S. Constitution and judicial decisions applying those standards.**

Police officers are authorized to use deadly force in order to:

- a. Protect the police officer or others from what is reasonably believed (*applying the standard of probable cause*) to be an immediate threat of death or serious bodily harm or,
 - b. Prevent the escape of a person whom the officer has probable cause to believe has committed a crime involving the infliction or threatened infliction of serious bodily harm upon another *and* the use of deadly force is necessary to prevent escape; if some warning, where feasible, has been given prior to the use of deadly force.
- (1) The use of deadly force *is not authorized* to effect an arrest for any misdemeanor offense.

- C. Whenever reasonably possible, an officer shall give a verbal warning prior to the use of deadly force.

- d. Warning shots **shall not** be discharged.
- e. Shots at or from moving vehicles will not be discharged unless all other means of defense have failed. Officers shall not voluntarily or recklessly place themselves in a position in front of an oncoming vehicle where the need for deadly force is a likely outcome.
- f. Firearms shall not be discharged when it appears likely that an innocent person may be injured.
- g. The destroying of an animal is justified for self defense, the defense of another person or when the animal is so badly injured or diseased that humanity requires its relief from further suffering.

F. Investigations: Deadly Force

- 1. The procedures, defined herein, regarding the investigation of deadly force incidents shall be used under the following circumstances:
 - a. Anytime an officer discharges a firearm in the performance of duty which results in the death or injury of any person; or
 - b. Anytime an officer discharges a firearm, in the performance of duty, in a manner that is intended to cause the death or injury of any person; or
 - c. Anytime an officer uses force, other than with a firearm, which results in the death or serious bodily injury to any person.
- 2. Involved Officer
 - a. The involved officer shall:
 - (1) when appropriate, render first aid and request EMS;
 - (2) notify the Chief of Police of the incident and location;
 - (3) remain at the scene until directed to another location by competent authority;
 - (4) if possible, protect all evidence, including any weapon(s) used.
 - b. At the direction of the Chief of Police, the officer may be placed on administrative leave until:

- (1) the completion of the criminal investigation;
 - (2) the completion of the internal investigation;
 - (3) the receipt of findings by the Grand Jury;
 - (4) the receipt of findings by the Department designated psychologist;
and
 - (5) the participation, of the employee(s) involved, in any type of post-traumatic counseling or therapy sessions as deemed appropriate by the Chief of Police.
- c. This leave shall be without loss of pay or benefits and shall not be interpreted to imply or indicate that the officer has acted improperly.
 - d. Immediately following the incident, while on administrative leave, the officer shall remain available at all times. The officer shall not discuss the incident with anyone except:
 - (1) the District Attorney or his assistant and Departmental personnel assigned to the investigation; and
 - (2) the officer's private attorney, psychologist, chosen spiritual counselor and immediate family.
 - e. Upon return from administrative leave, the officer may be assigned to "administrative duty" for a period of time as deemed appropriate by the Departmental psychologist or the Chief of Police.
3. Communications Procedure
 - a. Upon receiving communication that an employee has been involved in a deadly force incident, as detailed herein, Department employees are responsible for insuring that the Chief of Police is informed of the incident as soon as practical.
 4. The Chief of Police and/or his designee (which may include agencies or personnel outside the Department and City) shall conduct a thorough investigation to:
 - a. determine if the use of force was within policy;
 - b. evaluate the quality of supervision prior to, during and after the incident;

- c. evaluate training related to the drawing of the weapon, firing the weapon, tactics; and
- d. ensure that the criminal investigation is conducted thoroughly and objectively.

5. Criminal Investigation

- a. In the event that any Use of Force results in the serious bodily injury or death to an actor, the criminal investigation may be conducted by the Texas Rangers, at the discretion of the Chief of Police.

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

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

I. The effective date is stated in the header block of this policy.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 502 Non-Lethal and Less Lethal Weapons	
	Effective Date: 02/01/2023	Replaces: 10/22/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

In the interest of public safety, the Terrell Hills Police Department affords its officers with a range of non-lethal and less than lethal options. The Department's policy ensures that members are properly trained in the use of these tools and the circumstances of their use. Supervisors shall rigorously enforce Departmental weapons standards.

All sworn personnel shall demonstrate proficiency biennially, except CEW's which require annual recertification, with approved non-lethal and less-than-lethal weapons. Officers shall not carry or use any non-lethal or less than lethal weapon unless they have received proper training and been qualified. (TBP 3.04)

II. PURPOSE

To establish policy and procedures governing the training, care and maintenance, and qualification of non-lethal and less-lethal weapons.

III. GENERAL PROCEDURES

A. Approved Weapons

1. Non-lethal and Less than Lethal Weapons currently approved by the department include:

- a. Expandable Baton
- b. Pepper Spray (water-based only)
- c. Taser (CEW - Refer to Policy #504)
- d. Bean-Bag Shotgun
- e. BOLOWRAP (Refer to Policy #507)

2. Department approved non-lethal or less than lethal weapons are determined by the Chief of Police based on the needs of the agency. Officers will not carry or use any weapon which they are not qualified by the Department to use.

B. Security of Weapons

Officers are responsible for the care and security of Departmental weapons issued to them. Officers shall report any weapon loss or malfunction to the Chief of Police via the armorer or supervisor.

C. Modification and Maintenance of Weapons

1. Departmental weapons shall not be modified or altered without written approval of the Chief of Police.
2. Firearms Control Officers are responsible for cleaning and maintenance of less lethal weapons that are issued to them.

D. Weapon inspections

1. Officers shall inspect issued weapons at the beginning of each duty assignment to ensure they are in proper working order.
2. Supervisors shall inspect issued weapons as deemed necessary.

IV. QUALIFICATION REQUIREMENTS

A. Required Instruction and Qualification

1. All Department personnel shall receive training with any non-lethal and less lethal weapons that they will carry. Training shall cover the mechanics of the weapon, sound safety practices, and Departmental policy governing the use of the weapon and the use of force. Tactical considerations shall be a part of this training.
2. Officers will receive training and demonstrate proficiency annually with CEW's.
3. All other non-lethal or less lethal weapons systems will require training and demonstration of proficiency biennially.

B. Qualification rules:

1. The Designated Instructor shall be in charge at all times when officers are qualifying with non-lethal or less than lethal weapons.
2. The Chief of Police will maintain records of each officer's qualifications with non-lethal and less lethal weapons including:
 - a. The officer's name and Identification Number
 - b. The date of qualification and weapon system qualified.

V. EXPANDABLE BATON

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

VI. OC PEPPER SPRAY

- A. Authorization
 - 1. Only officers who have completed the prescribed course of instruction on the use of OC are authorized to carry the device.
 - 2. Only water-based OC Pepper Spray issued by the Department may be carried by officers.
- B. Uniformed officers shall carry only Department issued OC canisters in the prescribed manner on the duty belt. Non-uniformed officers may carry OC in alternative devices as authorized by the agency.
- C. Usage Criteria
 - 1. OC spray is considered a use of force and shall be employed in a manner consistent with this agency's use-of-force policy.
 - 2. OC may be used when:
 - a. verbal dialogue has failed to bring about the subject's compliance, and
 - b. the subject is actively resisting or has signaled his intention to actively resist the officer's efforts to make the arrest.
 - 3. Whenever practical and reasonable, officers should issue a verbal warning prior to using OC against a suspect.

4. Once a suspect is incapacitated or restrained, use of OC is no longer justified.

D. Usage Procedures

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

E. Effects of OC and Officer Response

1. Within several seconds of being sprayed by OC, a suspect will normally display symptoms of temporary blindness, have difficulty breathing, burning sensation in the throat, nausea, lung pain and/or impaired thought processes.
2. The effects of OC vary among individuals. Therefore, all suspects shall be handcuffed as soon as possible after being sprayed. Officers should also be prepared to employ other means to control the suspect—to include, if necessary, other force options consistent with agency policy—if he/she does not respond sufficiently to the spray and cannot otherwise be subdued.
3. Immediately after spraying a suspect, officers shall be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating, and loss of consciousness. Officers using OC spray on a subject will request medical assistance to the scene to de-contaminate the subject.
4. Suspects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody.
5. Officers should provide assurance to suspects who have been sprayed that the effects are temporary and encourage them to relax.
6. Air will normally begin reducing the effects of OC spray within 15 minutes of exposure. However, once the suspect has been restrained, officers shall assist the suspect by rinsing and drying the exposed area.
7. Assistance shall be offered to any individuals accidentally exposed to OC spray who feel the effects of the agent.

F. Reporting Procedures

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

G. Replacement

1. All OC spray devices shall be maintained in an operational and charged state by assigned personnel. Replacements for damaged, inoperable, or empty devices are the responsibility of the individual officer.
2. OC canisters shall be inspected at the firing range during firearms qualification. A record of this fact shall be maintained by the appropriate agency authority.

VII. NON-LETHAL SHOTGUN

A. Authorization

1. Less-Lethal Shotguns may be only carried by members of the department who have been trained and demonstrated proficiency in the use of the weapon. These shotguns are identified by an Orange Stock on the weapon. Care should be used in ensuring the appropriate weapon is selected for use.
2. Bean-Bag rounds shall only be used in the less-lethal shotgun.
3. Officers will not handle lethal shotgun ammunition around a less-lethal shotgun. Officers will load only less-lethal munitions into the less-lethal shotgun at the time of need to ensure the use of proper munitions.
4. Departmentally approved less-lethal munitions will be carried in the munition's carrier on the stock of the weapon.

B. Less-Lethal Shotgun Use

1. Officers may utilize the less-lethal shotgun when reasonably necessary and in a manner consistent with the department's use of force policy. It is a use of force option that has potential risks but may be used as an alternative to the use of deadly force when time and opportunity permit.
2. Officers should be aware of their surroundings and have a backup officer present and prepared to transition to other force methods if the less-lethal shotgun fails to subdue a subject.

3. Where possible, officers should inform other police personnel in the immediate vicinity that impact rounds will be deployed in order that the shot will not precipitate the use of firearms by other officers.
4. Officers shall deploy the less-lethal shotgun at the mid-section and lower extremities of suspects, never aiming for the groin, upper torso, or head.
5. In the event an individual is struck by a less-lethal round, officers shall properly restrain the individual and transport them to a medical facility for examination.
6. All uses of the less-lethal shotgun will be immediately reported to a supervisor and documented in an incident report as well as a use of force form.

C. Reporting and Investigation

1. A Use of Force Report shall be completed on all use of force incidents. Personnel must clearly articulate the reasons for the initial use and all subsequent cycle(s) in the Use of Force Report.
2. The supervisor responding to the scene shall conduct an immediate preliminary investigation which should include:
 - a. Location and interview of witnesses (including other officers);
 - b. Photographs of subject and officer injuries;
3. Photographs of the subject shall be taken in all instances wherein a subject is injured or complains of being of injured, as a result, of the use of force. Photographs should depict overall condition of the suspect, any injuries and the locations where the contact was made. If there is no injury, it is discretionary.
4. The Chief of Police may request an outside investigation when any of the following factors are involved:
 - a. A subject experiences death or serious injury;
 - b. The force appears to have been used in a punitive or abusive manner;
 - c. There appears to be a substantial deviation from training; and
 - d. A person in an at-risk category has been subjected to force (e.g., young children; persons who are elderly/frail, pregnant women, and any other activation as determined by a supervisor).

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 503 Firearms and Qualification	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

The policy of the Terrell Hills Police Department is to ensure that all of its officers are properly trained not only in the use of both on-duty and off-duty firearms, but also the circumstances of their use, as well as their safety and maintenance. Supervisors along with the Department Firearms Control Officer (FCO) and Range Safety Officers (RSO), shall rigorously enforce Departmental firearms standards. All officers shall qualify at least annually with his or her duty firearm, the Department shotgun, any police rifles they may carry on-duty, and all off-duty firearms they intend to carry.

II. PURPOSE

To establish policy and procedures governing the care and maintenance of issued weapons and ammunition, the selection and use of holsters, off-duty weapons, firearms training, and qualifications.

III. PROCEDURES

A. Authority

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

B. Handguns

1. Only weapons issued by the Department or approved by the Chief of Police will be carried or used while on-duty.
2. The Department issued Glock 22, in 40 caliber, is the standard on-duty handgun for all officers, however the Glock Model 27 is optional for CID and administration.
3. Department firearms and ammunition are determined by the Chief of Police and are subject to change based on the needs of the agency.

C. Shotguns

1. The designated duty shotgun for the department shall be carried with the magazine fully loaded with approved ammunition, chamber empty, trigger released, and safety off. The shotgun shall be secured in a vehicle rack, if available, or a soft case.
2. A minimum of 5 extra rounds of approved ammunition shall be carried with each shotgun.
3. All officers that have demonstrated annual proficiency during a department sanctioned qualification session shall carry the department shotgun during their patrol shift.
4. All shotguns left at the Police Department shall be left in an unloaded condition, with chamber open and stored in gun vault or other designated location.
5. Shotguns will only be deployed in cases where there is a severe threat to the public or officer's safety. Once the situation is under control, the officer will place the shotgun back in his patrol vehicle. A written report will be generated anytime a shotgun is deployed.

D. Patrol Rifles

1. The designated duty rifle for the department shall be carried with the magazine fully loaded with approved ammunition and chamber empty. The rifle shall be secured in a vehicle rack, if available, or a soft case.
2. Either a department owned patrol rifle or department-approved personally owned .223 caliber rifle, may be used by officers who have received appropriate training and have demonstrated proficiency annually.

3. All officers that have demonstrated annual proficiency during a department sanctioned qualification session shall carry the department patrol rifle or a department approved patrol rifle during their patrol shift.
4. Patrol rifles will always be carried along with a department issued crisis response bag. This bag will contain (3) extra rifle magazines, (2) extra handgun magazines and self-assist medical supplies.
5. Patrol rifles will only be deployed in cases where there is a severe threat to the public or officer's safety. Once the situation is under control, the officer will place the shotgun back in his patrol vehicle. A written report will be generated anytime a patrol rifle is deployed.

E. Weapon Mounted Lights

1. A weapon mounted light is a lighting device specifically designed to be affixed to a weapon and illuminate areas or subjects when circumstances deem appropriate. This policy applies to handguns and long guns. Weapon mounted lights attached to duty weapons must be approved by the range master.
2. Prior to carrying a weapon mounted light; all officers must attend a one (1) hour training course at the Range. This training will include a review of policy, proper light use guidelines and shooting/qualification with the weapon mounted light affixed. This training will occur in low light conditions.
3. Weapon mounted lights must be affixed to the weapon and remain in place for the duration of the officer's shift. A holster that is designed for the weapon and light combination must be worn if an officer is carrying a weapon mounted light.
4. Weapon mounted lights are not a substitute for the officer's hand-held light. Searches of persons, vehicles, or property, when no threat can be articulated, must be conducted with a hand-held light. The use of a weapon mounted light is restricted to those situations where an officer would be authorized to have his/her weapon drawn.
5. Weapon mounted lights and holsters are optional equipment, purchased at an officer's own expense. All equipment must be in possession at the time of training.
6. Any violation of this policy or use of the weapon mounted light outside of the training guidelines will result in discipline and/or the removal of the weapon mounted light.

E. Departmental Ammunition

1. The Department will select and issue on-duty ammunition, and only such ammunition shall be carried and used in Department Handguns. Previously issued ammunition will be fired during qualification to ensure fresh ammunition is carried in on-duty firearms at all times. Officers are responsible for the purchase of ammunition for their off-duty weapon.
2. Only Department provided factory ammunition will be used in Departmental shotguns
3. Only factory ammunition approved by the Chief of Police will be used in Departmental or Personally-Owned patrol rifles.

F. Off-duty weapons

1. Off-duty weapons, either revolvers or semi-automatic pistols, and their ammunition, are purchased at the officer's expense. The FCO shall inspect and certify any off-duty weapon before it may be carried.
 - a. Officers shall qualify with all off-duty weapons they intend to carry annually.
 - b. The FCO shall maintain a record of all weapons used by each officer.
 - c. No handgun below .380 caliber will be approved and/or carried.
2. Officers may carry, while off duty, either an issued weapon or one purchased at officers' expense, subject to this policy.
3. Officers shall not carry weapons when consuming alcoholic beverages.
4. Off-duty weapons shall be carried safely and concealed from public view.
5. Officers shall carry the Departmental badge and identification if carrying an off-duty weapon.

G. Security of Weapons

1. All officers are responsible for the care, cleaning, and security of Departmental weapons issued to them, whether on or off duty. Officers shall immediately report any weapon malfunction to their immediate supervisor or FCO.
2. Officers are responsible for the safe and secure storage of issued Department weapons when off-duty in a manner that prevents theft or unauthorized access or use. Officers must immediately report the loss, theft, or damage of a department weapon to their immediate supervisor or FCO.

H. Department Firearms Control Officer and Range Safety Officer

The Chief of Police shall appoint the Departmental Firearms Control Officer (FCO) and Range Safety Officer (RSO)

1. Their duties are as follows:

- a. Schedule, supervise and maintain records on all firearms qualifications required by the Department.
- b. Maintain non-issued Departmental weapons and associated equipment.
- c. Inspect all weapons being returned to the armory to ensure they are clean and serviceable.
- d. Repair or submit to a qualified gunsmith for repair all Department owned malfunctioning weapons.
- e. Maintain records of issuance, care, and maintenance of Departmental and personally owned weapons and associated items used on-duty.
- f. Issue Departmental ammunition.
- g. Annually inspect and certify as serviceable both Departmental and personally-owned firearms that are authorized for on and off-duty use.
- h. Inspect and authorize the use of holsters for on-duty use.

2. The FCO shall maintain a record of all firearms and less deadly weapons which have been certified as safe and with which officers have qualified. This record shall include the following:

- a. Officer's name and identification number.
- b. Make, model of weapon and caliber.
- c. Serial number of weapon.
- d. Type of less deadly weapon for which the officer demonstrated proficiency.

3. The FCO and RSO will be licensed by the Texas Commission on Law Enforcement as both TCOLE Instructors and TCOLE Firearms Instructors.

4. The Chief of Police has designated the following officers as the FCO and RSO for the Terrell Hills Police Department:

FCO: Sgt. Alex Hankins 222

RSO: Ofc. Aaron Gutierrez 244

I. Modifications of Weapons

1. Departmental weapons shall not be modified or altered without written approval of the Chief of Police except as outlined.

J. Firearms inspections (TBP 3.03)

1. Prior to every qualification or Department sanctioned live fire training session, the FCO shall thoroughly inspect each weapon prior to its use on the range. Documentation of these inspections will be maintained by the FCO.
2. Supervisors shall also inspect subordinate officers' issued firearms as deemed appropriate to ensure that they are maintained in a clean and serviceable condition.
 - a. Firearms inspections shall include handguns, shotguns, and patrol rifles.
 - b. Ammunition shall be inspected to ensure that it is of Departmental issue, of correct quantity, and in serviceable condition.

IV. PROCEDURES - QUALIFICATION

A. Qualification Rules

1. Officers must qualify with any weapon they carry or use on-duty at least annually.
2. The FCO or RSO be in charge at all times when officers are on the firing range for qualification or any live-fire training sessions.
3. Only weapons and ammunition issued by the Department shall be used during qualifications, or officers will provide their own if qualifying with off-duty weapons.
4. Every officer shall fire the regular firearms course approved by the Texas Commission on Law Enforcement and designated by the Department and satisfy the minimum passing score of Seventy Percent (70%) with the handgun and shotgun.
5. Weapons
 - a. While on and off duty, officers shall carry only weapons and ammunition authorized by, inspected by, and registered with the Department.

b. Authorized weapons are those with which the officer has qualified in accordance with standards set by TCOLE and approved by the Department, received Departmental training on proper and safe usage, and are registered and comply with Departmental specifications.

c. The Department shall schedule regular training and qualification sessions to include inspection of duty, off-duty, and specialized weapons to be conducted at a minimum annually.

d. Officers who fail to receive a passing score with their duty weapons, in accordance with Department qualification procedures, will receive remedial instruction and allowed to repeat the course of fire two additional times. Officers still failing to qualify shall be relieved of their Police powers and immediately assigned to non-enforcement duties or placed on administrative leave. At the discretion of the Chief of Police these officers may be given additional remediation or terminated.

e. An officer shall not be permitted to carry any off-duty weapon with which he/she has not been able to qualify during the past twelve (12) months.

f. Any officer who has taken extended leave or suffered an illness or injury that could affect or impair his/her ability in the use of firearms will be required to re-qualify before returning to enforcement duties.

6. The FCO will maintain records of all firearms qualifications and live-fire training sessions to include:

- a. The officer's name and badge number
- b. The date of qualification or training session
- c. The weapons(s) used during qualification or training session
- d. A description of the course of fire or training

7. The FCO shall inspect all weapons before firing to (1) ascertain that weapons are safe and (2) to ensure that weapons are properly maintained.

8. All officers must be able to qualify with a Department-issued pistol and shotgun annually. The qualification course shall include:

Firing the Department designated TCOLE approved course of fire.

9. All officers must be able to qualify with a Department-issued or personally owned patrol rifle annually. The qualification course shall include:

Firing the Department designated TCOLE approved course of fire.

B. Firearms and Use of Force Instruction

- 1.All officers shall receive familiarization instruction on their firearms before range qualification.
- 2.At least annually, officers shall receive training in the mechanics of the weapons (stripping, cleaning and lubricating, troubleshooting, and safe handling of misfires), sound safety practices, and a review of the Department's Use of Force Continuum.
- 3.Use of Force and Use of Deadly Force training will be conducted annually and may be in conjunction with firearms training, firearms qualification, or general in-service. (TBP 3.02)



12/09/2024

Approved Duty Ammunition

The following is the currently approved list of factory ammunition authorized to be carried by THPD Officers.

Primary Handgun Ammunition:

Speer Gold Dot .40 S&W 180 GR. GDHP

Grandfathered in:

Speer Gold Dot .40 S&W 165 GR. GDHP

Federal .40 S&W 165 GR. EFMJ

Primary Patrol Rifle Ammunition:

Speer Gold Dot .223 REM, or 5.56 x 45, 55 GR. GDSP

Grandfathered:

Speer Gold Dot .223 REM, or 5.56 x 45, 64 GR. GDSP

Federal Bonded .223 REM, or 5.56 x 45, 62 GR.

Secondary ammunition deployed during exigent circumstances, to defeat an intermediate barrier, and requiring authorization for use, by a supervisor of the rank of Sergeant or above.

Any 55 GR., .223 REM or 5.56 x 45, FMJ factory ammunition.

Shotgun Ammunition:

Winchester Ranger 12GA 2 ³/₄ inch, 1oz Low Recoil Rifled Slug

Winchester Ranger 12GA 2 ³/₄ inch, 9 Pellet Low Recoil 00 Buckshot

A handwritten signature in blue ink, appearing to read "Gail Baham", with a long horizontal flourish extending to the right.

Gail Baham
Chief of Police

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 504 Conducted Electrical Weapon (Taser)	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

In the interest of public safety, the Terrell Hills Police Department affords its officers with a range of non-lethal, less lethal, and less than lethal options. The Department's policy ensures that members are properly trained in the use of these tools and the circumstances of their use. Supervisors shall rigorously enforce Departmental weapons standards.

All sworn personnel shall demonstrate proficiency annually in order to carry an approved Conducted Electrical Weapon. Officers shall not carry or use any Conducted Electrical Weapons unless they have received proper training and been qualified.

The Terrell Hills Police Department will ensure that officers who carry OC/Pepper spray will carry only water-based OC/Pepper spray and under no circumstances carry alcohol or oil based OC/Pepper Spray.

II. PURPOSE

To establish policy and procedures governing the training, deployment, care, and maintenance of a Conducted Electrical Weapon.

. Conducted Electrical Weapon

A. Definitions

1. A Conducted Electrical Weapon (CEW) is an electronic weapon used to affect the sensory and motor functions of the nervous system and disrupt muscular control to allow officers to quickly subdue a resisting subject without having to resort to the use of deadly force. The Courts have stipulated that CEW's are considered a "less than lethal", "less lethal" and "non-lethal" weapon.

2. The X26P Taser is the Department issued CEW's for the Terrell Hills Police Department. No other model of Taser is authorized for THPD use. For the purposes of this policy, every occasion where CEW is used it refers to the X26P Taser.
3. AFID (Anti-Felon Identification Disc) is a tiny confetti-like disc that discharges when the CEW cartridge is fired. Each AFID is imprinted with the serial number of the cartridge from which it was fired. Each cartridge contains multiple AFIDs.
4. "Spark Display" is a non-contact demonstration of the CEW's ability to discharge electricity and shall only be conducted when the cartridge has been removed from the CEW.
5. "Neuro Muscular Incapacitation" or NMI is the stimulation of the sensory and motor nerves causing uncontrollable muscle contractions that inhibit the subject from being able to perform coordinated movement.
6. "Drive Stun" is the direct contact of the CEW on the subject. A drive stun can be done by placing the CEW, with or without a cartridge on the CEW, directly against the subject. A drive stun only, does not cause NMI but is a pain compliance technique.

IV. DEPLOYMENT

1. The CEW's utilized by the Terrell Hills Police Department are considered an intermediate weapon and in relation to the Terrell Hills Police Department's Policy 501 (Use of Force) is a level 4 option. This places the CEW after empty/soft hand control but before OC/Pepper Spray.
2. Officers are authorized to use the CEW to effect an arrest if physical force has proven ineffective or is not a reasonable option based on the circumstances as the officer knows them to be at the time of the incident.
3. A CEW affords officers the opportunity of controlling individuals who are actively resisting without endangering themselves, the suspect, or the public.
4. A CEW is not intended to be used in deadly force situations.
5. The decision to use a CEW will be dependent upon the actions of the suspect, the threat facing the officer and the totality of the circumstances surrounding the incident.

6. Prior to deploying the CEW, whenever reasonable and practical, verbal warnings shall be issued to the subject to allow the subject the opportunity to comply with the officer's commands.
7. Prior to deploying the CEW, if the situation permits, the deploying officer shall announce the word "TASER" to alert others of the impending use of the CEW.
8. "Clear" shall be announced by the deploying officer subsequent to the use of the CEW and prior to handcuffing so as to alert other officers that the CEW has stopped cycling.
9. When activating a CEW, the officers should use it for one standard cycle and stop to evaluate the situation (a standard cycle is five seconds). If subsequent cycles are necessary, only the number and duration of cycles necessary to place the subject in custody will be used. Officers will be particularly alert for medical distress of the subject.
10. As with any level of force, officers will end application of the CEW when the subject discontinues resistance or aggression and officers can control and handcuff the subject.
11. Officers should make every effort to avoid firing probes into the upper chest area of the subject and the head, neck, or genitalia of the subject. Preferred targeting is the lower center mass of the subject's front and below the shoulders on the subjects back.
12. The CEW direct contact mode or "drive stun" may be utilized as an alternative deployment method when both probes fail to make contact with the subject and its effectiveness is reduced or the regular deployment method is either not possible or likely to be effective.
13. No more than one officer should activate a CEW against a person at a time.
14. Use of the CEW is **strictly prohibited** under the following circumstances:
 - a. When flammable gases or liquids are known to be in close proximity to the subject or on the subject.
 - b. Where the suspect is at an elevated location and there exists risk of serious injury or death from a fall. Ex. trees, rooftops, or other elevated positions.
 - c. The subject is in or around water where drowning could result.
 - d. Punitively for purposes of coercion.
 - e. To prod, jab or escort a subject.

- f. On visibly pregnant females, young children under the age of 14 or less than 100 pounds, the visibly frail or elderly persons over 65 or less than 100 pounds, unless deadly force is otherwise justified and the CEW is used as an attempt to avoid the use of deadly force.
- g. On handcuffed prisoners, without the expressed authority of a supervisor. Exigent circumstances must exist (such as to prevent the subject from injuring himself or others and other means of control are ineffective or unavailable).
- h. On a subject who is visibly confined to a wheelchair unless it is objectively clear to prevent serious injury to himself/herself and/or if deadly force is justified.
- i. On a subject in control of a vehicle.
- j. On individuals with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy, or epilepsy; or persons known to be wearing pacemakers or other biomedical devices sensitive to electrical current, or known to have heart conditions.
- k. On a subject known by the officer to be under the influence of drugs.
- l. When the subject is holding a firearm.
- m. On any person(s) fleeing or attempting to flee from an underage alcohol or tobacco consumption/usage event.
- n. On any unconscious or unresponsive subjects, in an attempt to awaken them.
- o. In cases where another officer has already successfully deployed a Taser on the subject.

V. POST DEPLOYMENT AND FIRST AID

- 1. After deploying a CEW the officer will summon medical personnel to the scene to evaluate the subject's physical condition.
- 2. The on-duty supervisor will also be notified of the CEW deployment.
- 3. The supervisory officer shall make the scene of the deployment (unless safety issues dictate the officer relocates with the subject) and ensure that policies and procedures are being followed.
- 4. Medical personnel will determine if the probes can be removed by them at the scene or if the subject needs to be transported to a medical facility for probe removal.
- 5. Medical personnel will also determine if the subject requires further medical treatment and transport the subject to a medical facility.

6. If medical personnel determine that the subject does not require further medical attention and the probes are removed by medical personnel at the scene the subject (prisoner) will be transported to the detention facility by an officer.
7. Subjects who have been exposed to a CEW activation should be monitored regularly while in police custody even if they received medical care. If the officer observes any distress on the prisoner's part the officer will immediately summon medical personnel again regardless of which jurisdiction the officer is in.
8. The officer shall **verbally** notify detention facility personnel that the prisoner was exposed to a CEW deployment.
9. The deploying officer will complete all applicable reports, including the Use of Force Report Form, and submit them for review and approval by a supervisory officer.

VI. REPORTING AND INVESTIGATION

1. A Use of Force Report shall be completed on all CEW incidents. Personnel must clearly articulate the reasons for the initial use and all subsequent cycle(s) in a written report. This includes the actual or threatened use of the CEW by an officer.
2. The supervisor responding to the scene shall conduct an immediate preliminary investigation which should include:
 - a. Location and interview of witnesses (including other officers);
 - b. Photographs of subject and officer injuries;
 - c. Photographs of cartridges/darts;
 - d. Collection of CEW cartridges, darts/prongs, data downloads, car video, confetti ID tags; and copies of the device data download will be treated as evidence.
 - e. All evidence associated with a CEW deployment will be collected and logged as per THPD policy.
3. Photographs of the subject shall be taken in all instances wherein a subject is injured or complains of being injured as a result of the use of the CEW. Photographs should depict overall condition of the suspect, any injuries and the locations where the probes made contact. Photographs **will not** be taken of the female breast area or the male/female genital/buttocks area.
4. The CEW used in the deployment will be secured as evidence and shall not be returned to service until the data is downloaded from the CEW by a supervisory officer.

5. The Chief of Police may request an outside investigation when any of the following factors are involved:
 - a. A subject experiences death or serious injury;
 - b. A person experiences prolonged CEW activation;
 - c. The CEW appears to have been used in a punitive or abusive manner;
 - d. There appears to be a substantial deviation from training; and
 - e. A person in an at-risk category has been subjected to activation (e.g., young children; persons who are elderly/frail, pregnant women, and any other activation as determined by a supervisor).
6. All CEW deployments or discharges, including “spark displays” shall be recorded in a CEW log. A supervisory officer will review the log at regular intervals to determine CEW activity. The presence of a supervisor during “spark displays” is not required.
7. Supervisors shall, on a monthly basis, inspect their officer’s CEW log and dataport to determine if there have been any discharges since the previous inspection. Any undocumented discharges shall require the officer to prepare a memorandum to the chief of police explaining the circumstances surrounding the discharge.

VII. TRAINING AND QUALIFICATION PROCEDURES (TBP 3.04)

1. Only personnel who have successfully completed the department’s training course and demonstrate the required proficiency in the use of the CEW shall be certified and allowed to carry the CEW. All training and qualification for the CEW shall be conducted by certified instructors.
2. It shall be the responsibility of the Department’s CEW Instructor to train and certify all eligible officers on the proper techniques and use of the CEW. Additionally, the CEW Instructor shall be responsible for compiling and analyzing data from incidents involving the use of the CEW to identify training related needs and issues.
3. In order to maintain proficiency in the use of the CEW, all officers certified to carry the weapon shall receive mandatory in-service training annually.

VIII. EQUIPMENT, CARE AND MAINTENANCE

1. Certified officers shall carry the CEW **only** on their duty belts. The CEW shall never be left unsecured. **Only** holsters issued by the Department will be utilized. The CEW shall always be carried on the side opposite (support side) of the duty handgun.
2. Officers are responsible for inspecting their assigned Taser at the beginning of their shift.
3. An initial “spark display” shall be made by the officer prior to the beginning of their shift. This is done to determine the charge status of the battery and to confirm that the electric current is flowing between the two prongs of the Taser. ***The cartridge must be removed from the front of the Taser before a spark display is initiated.***
4. Personnel issued the CEW shall be responsible for the proper maintenance and care of the weapon. This shall include periodically checking battery life and expiration date of air cartridges, wiping away dirt and dust, ensuring the rubber stopper is secured on the data port, and ensuring that the blast doors are free of debris or obstruction.
5. Officers will take reasonable care to ensure that the CEW and cartridges do not get excessively wet or are submerged in water.
6. Officers will carry two (2) CEW cartridges attached to the CEW. Cartridges shall not be carried loosely in pockets as static electricity may cause discharge.
7. CEW’s and cartridges **will not** be stored in a vehicle (police or otherwise) unless while booking a prisoner in the jail, and upon completion, shall be immediately removed from vehicle and placed in the CEW holster.
8. Officers will perform other acceptable care and maintenance techniques that have been taught in the approved Taser course. Any equipment concerns should be immediately brought to a supervisor’s attention.

IX. GENERAL CONSIDERATIONS

1. Officers should be aware that multiple activations and continuous cycling of a CEW could increase the risk of death or serious injury and should be avoided where practical.
2. Officers must be aware of the limitations of the CEW and be prepared to transition to other force options as needed.
3. Officers should be aware that there is a higher risk of sudden death in people under the influence of drugs and/or symptoms associated with excited delirium.
4. Officers should also be aware that CEW cartridges have experienced firing problems in extremely cold weather.

X. DEFENSE AGAINST CEW USE

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

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 505 Loading/Unloading of Firearms	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

The policy of the Terrell Hills Police Department is to ensure that all of its officers are not only properly trained in their use, but also are diligent in practicing safe handling of all firearms, to include their loading and unloading as necessary for daily use.

II. PURPOSE

To establish policy and procedures governing the safe handling of any firearm in the Terrell Hills Police Offices.

III. PROCEDURES

A. Clearing Tube

1. A Clearing Tube has been installed in the equipment room of the Terrell Hills Police Department.
2. The Clearing Tube is capable of handling a caliber .223 round.
3. The muzzle of all firearms **shall** be aimed downwards directly into the clearing tube when loading or unloading **any** firearm inside the Police Department.
4. After any firearm has been unloaded, and visually inspected to confirm that it is in fact unloaded, the muzzle will be aimed downwards directly into the clearing chamber and the action cycled.
5. The Clearing Tube **shall not** be used to intentionally fire or test fire any firearm.
6. In the event a firearm cannot be safely unloaded by any other means, the Clearing Tube may be used to fire a live round with the approval of a sergeant or above, and only in exigent circumstance.
7. Any time a live round is discharged inside the Clearing Tube, an incident report will be completed and forwarded to the Chief of Police through proper channels.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 506 Officer Involved Shooting Investigations	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

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

II. PURPOSE

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

III. DEFINITIONS

- A. Post-Traumatic Stress Disorder: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.
- B. Officer-Involved Shooting Incident: Any incident where an officer discharges a firearm at a person, or a firearm is discharged at an officer regardless of the degree of injury.

IV. PROCEDURES

A. Officer's Responsibility when involved in a Shooting Incident

- 1. The supervisor should contact Communications and advise them of the condition of the officer(s) and suspect(s) and the exact location of the incident and request they immediately contact:
 - a. The Chief of Police
 - b. THPD Criminal Investigation Division
 - c. Authorized Departmental Chaplain.

2. At the direction of the Chief of Police, The Texas Rangers will be contacted to conduct the investigation. Once the notification is made the on-duty supervisor will secure the scene until the investigating entity arrives.
3. Officers involved at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety and others, and to preserve evidence essential to the investigation. This includes the following actions, undertaken in the order deemed appropriate for the specific situation.
 - a. Ensure that the threats to officer safety and the safety of others are over.
 - b. Notify communications of the shooting incident and request immediate assistance.
 - c. Request a supervisor and emergency medical services, if necessary, and any other assistance required immediately.
 - d. If injured, administer emergency first aid to oneself first. Then, administer basic first aid to suspects and others, as necessary, pending arrival of emergency medical assistance.
 - e. If possible, notify the Chief of Police or have Communications contact the Chief of Police and advise him of the situation.
 - f. Secure and separate any suspects.
 - g. Relay information on any fleeing suspects to communications and other field units and work with them to establish a containment area.
 - h. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, remove shell casings or in any other manner tamper with involved firearms. Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects and suspect vehicles.
4. As time and capabilities permit before supervisory and other assistance arrives:
 - a. Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting and assist the injured. Protect evidence from loss, destruction or damage that is likely to occur before backup can arrive. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.

- b. Record the names, addresses and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they say they saw the incident.

B. Handling of Officers at Scene of Shooting Incident

1. A supervisor shall be dispatched to the scene of the incident, and shall assume primary responsibility for protecting the scene and caring for involved personnel.
2. Ensure the safety and determine the condition of the officer(s), suspect(s) and third parties. Summon emergency medical service providers if not yet summoned for officers, suspects and third parties.
3. If the officer(s) have been shot or otherwise injured in the shooting:
 - a. Ensure that an officer accompanies and remains with the officer(s) involved **at all times**.
 - b. Ensure that the officer(s) family or next of kin are notified on a priority basis and in person when possible. Ensure that they are assigned transportation to the hospital or other location where they are needed as soon as possible. **Do not release** the officer's name before the family or next of kin is notified.
 - c. Assign an officer to the family for security, support, control of the press and visitors and related matters.
 - d. Ensure that the clothing of officers and other injured persons is collected for potential evidentiary purposes and that related equipment of the officer(s) is safeguarded.
4. Establish a Command Post and appoint a recorder to make a chronological record of all activities including any personnel who entered the crime scene. The recorder shall prepare a supplement report detailing their activities and observations and the original chronological record will be placed in evidence after the scene is cleared.
5. If the officer is not immediately transported to the hospital, the supervisor shall briefly meet with the involved officer(s).
 - a. Only minimal, preliminary questions should be asked about the incident. The officers should be advised that a more detailed debriefing will be conducted at a later time. The supervisor must however obtain sufficient information to protect the scene and begin an investigation. At a minimum the supervisor should

determine:

- i. If any other suspects are at large, including any descriptions
 - ii. Approximate number and direction of shots fired (to protect crime scene and ensure no other persons are injured)
6. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer should be taken to a quiet area away from the scene of the incident. If available, a peer counselor, authorized departmental chaplain, or other officer should remain with the officer, but should be advised not to discuss details of the incident.
7. The officer(s) involved should be advised that they may seek legal counsel.
8. Any standard investigations that will occur concerning the incident should be discussed with the involved officer. The investigations shall include a criminal and internal investigation.
9. The officer should be advised not to discuss the incident with anyone.
10. The supervisor shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the supervisor shall:
 - a. Take custody of the officer's weapon in a discrete manner; and
 - b. Replace it with another weapon or advise the officer that it will be returned or replaced at a later time, as appropriate.
11. The involved officer should notify their families about the incident as soon as possible. Where an officer is unable to do so, an agency official shall personally notify his family, and arrange for their transportation to the hospital if needed.
12. At all times, when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
13. Once the scene is secure, if investigators have not yet arrived, the supervisor shall begin doing the following:
 - a. Locate and secure in place the officer's weapon and shell casings.
 - b. Locate and secure suspects weapon and shell casings.
 - c. Locate and secure all officer(s) body worn camera(s) and dash camera(s) who were involved. All body/dash camera(s) will remain in the custody of the supervisor until they can be relinquished to the custody of the investigator(s). As soon as

practical, on scene officer(s) involved in a shooting will be furnished with another body camera if they are to remain on scene.

- d. Collect information about the suspect including name, address, age, and DOB.

- d. Locate and secure any clothing that may have been removed from the suspect or officer by medical personnel.
 - e. Attempt to determine the original shooting positions of the suspect and officer(s).
- 14. Upon arrival of investigators, the supervisor will brief the appropriate personnel on the details of the incident. The supervisor shall prepare the original basic offense report concerning the incident and prepare a detailed supplement report relating to his or her activities after being notified. The supervisor shall also complete a departmental Use of Force Report on the incident.

C. Investigation

- 1. Two different investigations may be conducted after an officer involved shooting incident.
 - a. If the officer(s) was shot at, injured, killed, or otherwise the victim of a criminal offense, a criminal investigation will be conducted to determine the identity of the suspect and for subsequent prosecution.
 - b. If the officer(s) shot at a suspect, an administrative investigation shall be conducted to determine compliance with departmental policy.
 - c. If the officer(s) shot at and hit a suspect, a criminal investigation shall be conducted to determine if the officer(s) are criminally culpable for his or her actions.
- 2. These investigations if both are required, may run simultaneously, with the criminal investigation taking precedence.
- 3. The Chief of Police may request, in addition to the Texas Rangers, any other agency or entity to assist in the investigation if circumstances warrant.
- 4. Investigators will be well versed in the issues of *Garritty v. NY* to avoid improper contamination of the criminal investigation.
- 5. Upon arrival of investigators, they will first ensure the tasks itemized above have been completed. They shall then conduct their investigation to include:
 - a. A general briefing and walk-through by the supervisory officer regarding the circumstances surrounding the shooting. The decision to conduct a walk through with the involved officer at this time must be made based on:
 - i. The type of investigation being conducted

- ii. The physical and mental state of the officer
 - iii. The availability of the officer's attorney
 - iv. The circumstances at the scene
 - b. Ensure that the overall scene and evidentiary items are photographed, and **video recorded**. **Video record** all persons present at the scene. Color photographs of the officer as he/she appears at the scene shall be taken, to include any injuries sustained.
 - c. Ensure thorough inspection of the scene and proper collection of all items and substances of evidentiary value.
 - d. Obtain **video recorded** statements from the suspects. Ensure that notification is provided to next-of-kin of injured or deceased suspects.
 - e. Locate and identify witnesses and conduct initial **video recorded** interviews.
 - f. **Video record** interviews with fire department personnel, emergency medical service providers and other first responders to the scene.
 - g. Conduct separate **video recorded** interviews with each officer involved.
 - h. Conduct the interview in a private location away from sight and hearing of agency members and others who do not have a need and a right to the information. Advise the officers not to discuss the incident with anyone except the Departmental investigator until the conclusion of the preliminary investigation.
 - i. Be cognizant of symptoms of post-traumatic stress, to include time and space distortions, confusion, hearing and visual distortion and emotional impairment, including shock. (Defer **video recorded** interviews if these symptoms are evident.) Take any weapon fired by the officer(s) into custody and handle it as evidence. Firearms shall be taken from officer(s) in a discrete manner and the OIC shall ensure that arrangements are made to replace them with other firearms or advise the officer(s) that they will be returned or replaced at a later time.
 - j. Contact the coroner and obtain autopsy of officer and/or suspect if required. Determine entrance and exit wounds, estimates of the shooter's position, the presence of alcohol or controlled substances or other related evidence.
-

6. The results of any criminal investigation conducted will be presented to the Grand Jury for independent review.

D. Post-Incident Procedures

1. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary investigations.
2. All officers directly involved in the shooting incident shall be required to contact an agency designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist shall advise the agency:
 - a. Whether it would be in the officers' best interest to be placed on administrative leave or light duty, and for how long;
 - b. Where the officers were relieved of their duty weapons after an incident, at what point they should be returned;
 - c. What will be the best continued course of counseling. The agency strongly encourages the families of the involved officers to take advantage of available counseling services.
3. Any agency investigation of the incident shall be conducted as soon and as quickly as practical.
4. The agency should brief other agency members concerning the incident so that rumors are kept to a minimum.
5. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to the Chief of Police or his designee unless otherwise authorized to release a statement pertaining to the incident.
6. In order to protect against inappropriate or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.
7. Officers directly involved in the shooting incident shall be required to re-qualify as soon as practical.

E. Daily Stress Recognition

1. As post-traumatic stress disorders may not arise immediately, or the officers may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.
2. If a supervisor believes that stress may be disrupting the officer's job performance or other life skills, the Chief of Police should be informed immediately. The Chief of Police may refer the officer back into counseling.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 507 BOLAWRAP Device	
	Effective Date: 02/01/2023	Replaces: 08/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

PURPOSE

This policy provides guidelines for the issuance and use of BolaWrap® 100 devices in order to minimize injury to suspects, subjects, and officers.

POLICY

The BolaWrap® 100 device is intended to immobilize and control resistive/non-compliant persons and persons with known or suspected mental health issues.

PROCEDURE

A. DEFINITIONS

1. BOLAWRAP® 100 - A hand-held remote restraint device that discharges an eight-foot Kevlar cord to entangle an individual at a range of 10-25 feet. The BolaWrap® 100 is equipped with entangling barbs at each end of the Kevlar cord.
2. PASSIVE NON-COMPLIANCE – Does not respond to verbal commands but also offers no physical form of resistance.
3. ACTIVE RESISTANCE – Physically evasive movements to defeat an officer's attempt at control including bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody.
4. ASSAULTIVE – Aggressive or combative; attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person.

B. GENERAL

1. Only a Department-approved BolaWrap® 100 device that has been issued by the Department shall be utilized by personnel trained in its deployment and use.
2. A BolaWrap® 100 device is not a substitute for deadly force.
3. All BolaWrap® 100 devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
4. Uniformed officers who have been issued the BolaWrap® 100 device shall wear the device in an approved holster on their person or store in their patrol bag. **The device should be easily accessible if the need to deploy is warranted.**
5. BolaWrap® 100 devices should not be used on handcuffed persons unless they are actively resisting or exhibiting active aggression, and/or to prevent individuals from harming themselves or others.

6. Officers shall be responsible for ensuring that their issued BolaWrap® 100 device is properly maintained and in good working order.
7. Officers shall not hold both a firearm and the BolaWrap® 100 device at the same time.
8. Any deployment of the BolaWrap® 100 shall comply with **Policy 501** Use of Force.
9. The BolaWrap® 100 is not intended to be a transportation restraint device and shall not be used as a substitute for a hobble or max restraints. Once the subject has been detained, the cord should be cut with an approved device and removed in accordance with Section F (3) of this order.

C. CONSIDERATION FOR THE USE OF THE BolaWrap® 100 DEVICE

1. The BolaWrap® 100 device has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the subject within the operational range of the device. Although the BolaWrap® 100 device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.
2. The use of the BolaWrap® 100 device on the individuals listed below should generally be avoided, unless an officer reasonably believes under the totality of the circumstances that other options would be ineffective or would present a greater danger to the officer, the subject, or others:
 - a. Individuals who are known to be pregnant.
 - b. Elderly individuals or obvious juveniles.
 - c. Individuals who are handcuffed or otherwise restrained.
 - d. Individuals detained in a police vehicle.
 - e. Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
 - f. Individuals near any body of water that may present a drowning risk.
 - g. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

D. PRE-DEPLOYMENT RESPONSIBILITIES

Any officer equipped with the BolaWrap 100 Device is responsible for their pre-shift inspection of the device. After pre-shift inspection is conducted, only then may an officer equip themselves with the device for patrol use. Officers should never "Charge" the device when equipping themselves.

1. A verbal warning of **"Bola, Bola, Bola"** should precede a BolaWrap® 100 device application, unless it would otherwise endanger the safety of officers or when it is otherwise not practicable due to the totality of the circumstances. The purpose of the warning is to:
 - a. Provide the individual with a reasonable opportunity to voluntarily comply.
 - b. Provide other officers and individuals with a warning that the BolaWrap® 100 device may be deployed.
 - c. The fact that a verbal or other warning was given, or the reasons it was not given, shall be documented by the officer deploying the BolaWrap® 100 device in the related report.

2. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.
3. The deploying officer should, if possible, assemble a sufficient number of officers to assist with taking the suspect into custody.
4. Under exigent circumstances, nothing in this policy prohibits an officer from deploying the BolaWrap® 100 at a subject without requesting or having the presence of additional officers.

E. APPLICATION OF THE BOLAWRAP® 100 DEVICE

1. The BolaWrap® 100 device may be used in any of the following circumstances, when the totality of circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:
 - a. The subject is assaultive, actively resisting, or passive non-compliant.
 - b. The subject has demonstrated, by words or actions, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.
2. Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the BolaWrap® 100 device to apprehend an individual.
3. Simultaneous applications of the BolaWrap® 100 on a single individual by multiple devices is allowed in authorized target areas.

F. TACTICAL USE

1. Targeting considerations: a. Reasonable efforts should be made to target lower extremities or lower arms. The head, neck, chest and groin shall be avoided. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the BolaWrap® 100 device to a precise target area, officers should monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.
2. Multiple applications of the BolaWrap® 100 device: a. If the first application of the BolaWrap® 100 device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the device, including:
 - (1) Whether the Kevlar cord **and/or anchor's hooks** are making proper contact.
 - (2) Whether the individual has the ability and has been given a reasonable opportunity to comply.
 - (3) Whether verbal commands, other options or tactics may be more effective.
3. Actions following deployments:
 - a. Personnel shall request a supervisor to the scene.
 - b. Officers shall comply with **Policy 501 Use of Force** for Individuals under Police Care or Control.
 - c. **Only medical personnel may remove hooks that are embedded in a subject's skin.**

- d. If the hooks penetrate only a subject's clothing, then the supervisor or officer may remove the hooks. The supervisor or officer may cut the Kevlar cord with Department issued medical shears.
- e. The Kevlar cord shall be cut prior to any transportation.
- f. The expended cartridge, hooks and Kevlar cord shall be collected and submitted into evidence.

G. REPORTING THE USE OF THE BOLAWRAP® 100

1. The deployment of the BolaWrap® 100 is considered a Level 3 Use of Force. Refer to Policy 501 for the required reporting matrix.

2. Officers shall:

a. Complete the applicable report(s) (crime, casualty, and/or incident). The report shall include the cartridge serial number, reason for the application of force as well as the description of injuries sustained or claimed.

b. Book an arrested subject and notify the appropriate jail medical staff employee of the sustained injury and the type of force used.

c. Forward a completed Use of Force report to the on-duty supervisor.

3. The supervisor shall determine whether further documentation of the incident is necessary, in accordance with Department policy. When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the BolaWrap® 100 device may be used. A supervisor shall respond to all incidents where the BolaWrap® 100 device was activated.

H. SUPERVISOR RESPONSIBILITIES

1. When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the BolaWrap® 100 device may be used. A supervisor shall respond to all incidents where the BolaWrap® 100 device was activated.

2. Comply with reporting procedures/supervisor's responsibilities specified in Policy 501 Use of Force.

I. OFF-DUTY CONSIDERATIONS

1. Officers are not authorized to carry Department issued BolaWrap® 100 devices while off-duty.

2. Officers shall ensure that BolaWrap® 100 devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 508 License Plate Reader Technology	
	Effective Date: 09/10/2024	Replaces: N/A
	Approved: Gail Baham	Chief of Police
	Reference: TBP 7.36	

I. PURPOSE

The purpose of this Standard Operating Procedure is to establish policy and procedures for the use and oversight of the Department's License Plate Reader technology and provide guidance on the application and use of License Plate Readers, management of License Plate Reader data, and maintenance of License Plate Reader equipment.

II. POLICY

It is the policy of the Terrell Hills Police Department to utilize License Plate Reader (LPR) technology for official and legitimate law enforcement purposes only. The goal is to increase the efficiency and effectiveness of its public safety efforts in a manner that safeguards the legitimate privacy concerns of law-abiding citizens in accordance with state and federal law. The use of LPR systems provides many opportunities for the enhancement of department productivity, effectiveness, officer safety and community safety.

III. DEFINITIONS

1. **License Plate Reader (LPR) system:** A mobile or fixed device that uses cameras and computer technology to compare digital images of license plates to lists of known plates of interest.
2. **LPR Manager:** Anyone designated by the Chief of Police is responsible for the management of the LPR program including its administration, troubleshooting, training, repairing, and coordinating all aspects of the LPR equipment.
3. **Hot List:** License plates associated with vehicles of interest from associated databases, including, but not limited to, NCIC, TCIC, Local BOLOs, Local Warrants, Sex Offenders, Protective Orders, etc.
4. **Data LPR-Generated:** Data obtained by an LPR of license plates within public view that are read by the device, including potential images of the plate and vehicle on which it was displayed, and information regarding the location of the vehicle at the time of the LPR read.

5. **Download:** The transfer of hot list data from TCIC, NCIC or other data sources consisting of license plates and associated data to the LPR system.
6. **LPR Operator:** An employee who is authorized and properly trained in the use of the LPR system.
7. **Alert/Hit:** A positive indication, by visual and/or audible signal, of a potential match between data on the hot list and a license plate scanned by the LPR system. An alert is not conclusive confirmation that a license plate is wanted. Additional investigation is warranted when an alert is indicated.
8. **Fixed LPR System:** ALPR cameras are permanently or temporarily affixed to a structure such as a pole, traffic barrier, or bridge.
9. **Mobile LRP System:** ALPR cameras that are affixed, either permanently (hard wired) or temporarily (magnet mounted or equivalent) to a law enforcement vehicle for mobile deployment.

IV. PROCEDURES

A. General

1. The use of LPR systems is restricted only to public safety–related missions of this agency.
2. LPR systems and associated equipment and databases are authorized for official public safety purposes. Misuse of this equipment and associated databases, or data, may be subject to sanctions and/or disciplinary actions. Any and all detected misuse or attempted misuse of the LPR system will be considered a Level 1 Infraction and investigated as outline in THPD Policy 204 (Internal Investigation Process).
3. All personnel and managers shall have the proper training before using the LPR systems. Authorized personnel can access online training through the LEARN application. Each officer will receive refresher training in this policy at least every two years.

B. Administration Responsibility (TBP 7.36)

1. The Chief of Police, or his designee, shall designate an employee(s) with administrative oversight (LPR Manager) for LPR system deployment and operations that is responsible for the following:
 - a. Establishing protocols for access, collection, storage, and retention of LPR data and associated media files;
 - b. Review and update the LPR policy biennially. A memorandum of the periodic review of the LPR program and any changes necessary shall be submitted to the Chief of Police through the Chain of Command;

- c. Establishing protocols to preserve and document LPR reads and “alerts” or “hits” that are acted on in the field or associated with investigations or prosecutions;
 - d. Establishing protocols to establish and ensure the security and integrity of data captured, stored, and/or retained by the LPR system;
 - e. Maintaining records identifying approved LPR deployments and documenting their results, including appropriate documentation of significant incidents and arrests that are related to its usage;
 - f. Authorizing any requests for LPR systems use or data access according to the policies and guidelines of this agency. A log is generated and kept by Vigilant LEARN.
2. Designated, trained personnel shall check equipment before their tour of duty to ensure functionality and camera alignment. Any equipment that falls outside expected functionality shall be removed from service until deficiencies have been corrected, and they shall immediately notify their supervisor through email or memorandum form.
 3. LPR system repairs, hardware or software, shall be made by agency authorized sources.

C. Mobile License Plate Reader System (LPR) Usage

1. LPR operation and access to LPR collected data shall be for official agency purposes only.
2. Only approved police personnel who have been properly trained in the use and operational protocols of the mobile LPR systems shall be permitted to use it. (TBP 7.36)
3. At the start of each shift, users must ensure that the mobile LPR system has been updated with the most current hot lists available.
4. LPR Alerts/Hits: Prior to initiation of a traffic stop or contact, the initiating officer must:
 - a. Visually verify that the vehicle plate and plate number matches the plate and plate number run by the LPR system, including both alphanumeric characters of the license plate and the state of issuance; and
 - b. Verify the current status of the plate through dispatch or the appropriate law enforcement database.

5. Hot lists may be updated manually if the user enters a specific plate into the LPR system and wants to be alerted when that plate is located. Whenever a plate is manually entered into the LPR system, the officer should document the reason.
6. Mobile LPR system searches of historical data can only be completed for legitimate public safety related purposes.
7. LPR systems should also be used in emergency-based operations, such as AMBER alerts, missing persons, and violent crimes (i.e. murder, robberies, kidnapping, or human trafficking) but also can be used for special operations such as illegal drug manufacturing or distribution.
 - a. Upon notification of an emergency-based situation, all patrol officers using LPR equipment must place the involved vehicle plate number into the vehicle database.
 - b. Officers should then proceed to patrol areas which are likely to increase the chance of encountering the target vehicle.

D. Fixed License Plate Recognition Systems (LPR) Usage

1. Fixed LPR systems are solar powered and will be mounted at fixed locations within the city limits of Terrell Hills. However, these systems can be moved to a different location if the need arises. A location log will be kept by the assigned ALPR manager.
2. Fixed LPR systems shall monitor all license plates that come in contact with the LPR camera. Information for legitimate public safety purposes will be accessed by the ALPR manager and disseminated as appropriate.
3. Fixed LPR system searches of historical data should be made by making a request to the ALPR manager and can only be completed for legitimate public safety related purposes. A log of such requests will be maintained by the ALPR manager.
4. Fixed LPR systems may have the ability to notify the ALPR manager and/or other police personnel of a HIT from the LPR system Hot List.
5. If notification of a HIT is made, prior to initiation of a traffic stop or contact, the initiating officer must:
 - a. Visually verify that the vehicle plate and plate number matches the plate number run by the LPR system, including both alphanumeric characters of the license plate and the state of issuance;

- b. If a stolen HIT notification is received, verify the current status of the plate through dispatch or MDT query; and
- c. Attempt to make a coordinating effort with other resources before stopping the vehicle.

VI. SYSTEM AUDIT

- a) A monthly audit of the ALPR system will be conducted by the ALPR manager to verify ALPR system integrity is maintained.
- b) The audit will include a memorandum forwarded to the Chief of Police through the chain of command.

VII. RETENTION

- a) Vigilant Solutions controls and retains LPR data as they are responsible for backing up the LPR data to the server. There are currently no servers located at the City of Terrell Hills municipal complex that retain data from LPR operations. However, any evidence of LPR data shall be downloaded and included with the case file and can be destroyed only after a disposition is concluded by the courts and all appeals have been exhausted.
- b) Otherwise, the ALPR system will be set by Vigilant Solutions to update automatically and purge every 90 days.
- c) Access to ALPR data is restricted to the Terrell Hills Police Department. All data is considered Law Enforcement Sensitive and shall not be released to the public unless authorized through Open Records Request.

VIII. DATA PRIVACY

ALPR data should be used for Law Enforcement Investigative purposes only. The data can be shared with other law enforcement or prosecutorial agencies only if the purpose is legitimate and appropriate. The ALPR manager shall be consulted prior to any dissemination of ALPR data and the dissemination shall be done in accordance with established policy.

The following procedures shall be followed when a law enforcement agency or prosecutorial agency requests for ALPR data:

- (a) The requesting agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.

- (b) The request is reviewed by the ALPR manager or authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be forwarded to the Attorney General's office for their opinion.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 509: Euthanasia of Animals	
	Effective Date: 01/2026	Replaces: 11/2024
	Approved: Gail Baham Chief of Police	
Reference:		

I. POLICY

In the interest of public safety, the Terrell Hills Police Department authorizes officers to humanely euthanize animals when they become a danger to the public. Shooting is a quick and effective means of humanely destroying animals and in most situations is the only practical method available for use in the field. The Department's policy ensures that officers are properly trained in the use of a small caliber rifle and the circumstances of its use. Supervisors shall rigorously enforce departmental guidelines when an animal is euthanized.

All sworn personnel will receive training and shall demonstrate proficiency annually with the department rifle designated for the purpose of euthanizing an animal.

Merck Veterinary Manual: “Euthanasia is the term used to describe a method of killing that minimizes pain, distress, and anxiety experienced by the animal before loss of consciousness.”

II. PURPOSE

To establish policy and procedures governing the training, implementation, and considerations in accordance with the **American Veterinary Medical Association Guidelines for the Euthanasia of Animals**.

II. GENERAL PROCEDURES

A. Approved Weapon

Department designated .22 caliber rifle, will be used when an animal is believed to be suffering from an illness, or injury and is not actively attacking an officer or member of the public. Currently that rifle is a **Ruger Model 10-22**, equipped with a red dot sighting scope, **approved suppressor** and a magazine with a capacity of 10 rounds of ammunition.

B. AVMA Guidelines for the Euthanasia of Animals ^[1]

- 1. A properly placed gunshot can cause immediate insensibility and a humane death.*
- 2. The procedure should be performed outdoors and in areas where public access is restricted.*

3. In applying a gunshot to the head as a method of euthanasia for **captive animals**, the firearm should be aimed so that the projectile enters the brain, causing instant loss of consciousness.

5. In the case of wild animals, gunshots should be delivered with the least amount of prior human contact necessary.

III. Targeting and Distances (from AMVA Guidelines) [1]

1. Firearms should **never be held flush to an animal's body**. The pressure within the barrel when fired may cause the barrel of the gun to explode, placing the shooter and observers at great risk of injury.

2. Ideally, the muzzle of the firearm should be held **within 1 to 2 feet of the animal's forehead and perpendicular to the skull** with the intended path of the bullet roughly in the direction of the foramen magnum (a large, oval-shaped opening in the occipital bone of the skull).

3. A gunshot to the heart or neck does not immediately render animals unconscious **but may be required** when it is not possible to meet the POE's (Panel of Euthenasia) definition of euthanasia.

4. For wildlife and other freely roaming animals, the preferred target area should be the head. **It may, however, not be possible or appropriate to target the head when killing is attempted from large distances** (missed shots may result in jaw fractures or other nonfatal injuries) or when diagnostic samples of brain tissue are needed for diagnosis of diseases (eg, rabies, chronic wasting disease) important to public health.

IV. Targeting and Distances When Dealing with Aggressive Wildlife

1. Most wild animals keep their distance from people — and you should keep your distance from wildlife. Wild animals can be unpredictable. While actual attacks by wildlife are unlikely, they most often occur when animals are startled, sick or habituated to people, or if they feel threatened. [2]

2. Common Signs Of Aggression And Anger In Animals:

- (a) Baring Teeth
- (b) Growling
- (c) Flared Nostrils
- (d) Ears Pushed Back or Flattened
- (e) Raised Fur. [3]

3. Rabies. Some of the visible signs of a rabid animal could include any of the following symptoms:

- (a) Aggressive Behavior
- (b) Attacking for No Reason
- (c) Lethargic
- (d) Walking in a Circle
- (e) Confused and Drunk Like [4]

4. Target Areas for Aggressive Wildlife-Heart or Neck if a Head Shot is Not Practical

Note: For wildlife and other freely roaming animals, the preferred target area should be the head. It may, however, not be possible or appropriate to target the head when killing is attempted from large distances (missed shots may result in jaw fractures or other nonfatal injuries) or when diagnostic samples of brain tissue are needed for diagnosis of diseases (eg, rabies, chronic wasting disease) important to public health. [1]

5. Maximum allowable distance for shooting will be fifteen feet.

6. Follow Up shots, for officer safety, may be necessary to ensure incapacitation before advancing to the recommended 1–2-foot muzzle distance, to make a skull shot.

V. Training and Qualifications

1. Officers will demonstrate proficiency in loading and unloading the department .22 caliber rifle annually.

2. Officers will demonstrate the accurate placement of shots, at varying distances from one foot to fifteen feet, on an animal target printed on 8 ½" by 11" paper. A score of 100% is the minimum standard.

3. Officers must demonstrate knowledge in shot placement designated distances.

4. The FCO or RSO will be in charge at all times when officers are on the firing range for qualification or any live-fire training sessions.

5. Officers who fail to receive a passing score with the .22 caliber rifle, in accordance with Department qualification procedures, will receive remedial instruction and allowed to repeat the course of fire two additional times.

5. The FCO will maintain records of all firearms qualifications and live-fire training sessions to include:

- a. The officer's name and badge number
- b. The date of qualification or training session
- c. The weapons(s) used during qualification or training session
- d. A description of the course of fire or training

VI. Domesticated or Commonly Kept "Pet" Animals

1. Officers are prohibited from the euthanization of domestic or commonly kept "pet" animals (dogs, cats etc.) unless the animal poses an immediate threat to public safety.
2. Exceptions to this prohibition will be made if the suffering of said domestic or commonly kept "pet" animal needed to be immediately ceased and the owner had previous knowledge of the injury/sickness or was the reporting person in the incident. Officers will obtain and document all consent for euthanization of domestic or commonly kept "pet" animals on body worn camera as well as in a written incident report.

3. In all cases involving domestic or commonly kept “pet” animals, should the animal in question not have any telltale signs of common ownership (collar, tags etc.), officers will take all reasonable efforts to locate a possible owner, including the use of a microchip scanner and canvassing the surrounding area door to door.
4. If an owner cannot be located and the animal is reasonably determined to be a stray, the animal will be transported to Callaghan Road Animal Hospital for a quality-of-life assessment by a licensed veterinarian. If euthanasia is recommended by the veterinarian, THPD will assume responsibility for all associated costs.
5. All actions taken and justifications for such actions will be documented by all officers involved in the incident in a detailed police report to include all available information of the personnel involved in the decision of euthanasia at Callaghan Road Animal Hospital (veterinarian, assistants, techs etc.).

References

- [1] AVMA GUIDELINES FOR THE EUTHANASIA OF ANIMALS: 2020 EDITION (pg. 42-43)
- [2] Wildlife Help. Org (<https://wildlifehelp.org/solution/pennsylvania/raccoon/what-do-animal-behaving-strangely-or-aggressively/93>)
- [3] Focusing on Wildlife.com (<https://focusingonwildlife.com/news/signs-of-aggression-and-anger-in-animals/>)
- [4] USDA, Rabies - Frequently Asked Questions, How Can I Tell if an Animal has Rabies (<https://www.aphis.usda.gov/national-wildlife-programs/rabies/faq#:~:text=Some%20of%20the%20visible%20signs,be%20approached%20at%20any%20time>)

Appendix A:

Training Requirements and Course of Fire Requirements (designed in accordance with AVMA Guidelines)

Before live-fire qualification officers will be instructed on the following:

1. The handling of the Ruger 10-22 rifle
 - a) Loading and unloading the magazine
 - b) Magazine capacity
 - c) Magazine insertion and ejection
 - d) Operation of the cross-bolt safety and bolt stop
 - e) Operation of the red-dot scope
 - f) Two handed firing of the rifle
2. Storage and retrieval of the Ruger 10-22 rifle
4. Instructor led discussion on varying firing distances and conditions dependent upon:
 - a) Officers perceived aggressiveness of the animal
 - b) Officer Safety issues
 - c) Public Safety issues
 - 1) Trajectory of the fired bullet
 - 2) Ensuring the area is safe and free of people or property downrange
 - 3) Being sure of the target and sufficient back stop
 - d) Maximum firing distance of 15 feet for aggressive animals
 - e) Minimum firing distance of one foot (muzzle to target) for lethargic or captive animals

5. Demonstrate proficiency with a minimum of 5 rounds of ammunition at distances of one foot and out to 15 feet (for aggressive animals) on an appropriate target printed on and 8 ½-inch by 11-inch sheet of paper. With a minimum score of 100%.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 601 Departmental Records	
	Effective Date: 02-01-23	Replace: 05/2018
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

The **maintenance of records** is an Investigations Unit function and is **critical** for the effective **delivery of law enforcement services**. An **efficient means of storing, cataloging, and retrieving records** is essential to meet the management, operational, and informational needs of the police agency. The Department's Records Custodian will receive the training necessary to manage the records efficiently and within the guidelines of the law. (TBP 5.01)

II. PURPOSE

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

III. RECORDS SECURITY (TBP 5.01)

- A. Police Records** are secured in the Police Records Room and have restricted access.
- B. The Police Records Room** is restricted to sergeants and above only.
- C. Entry by unauthorized personnel is prohibited.**
- D. Anytime a record, file, or document is removed**, an entry will be made on the THPD Records Removal Log indicating who made the removal, the date removed, the date returned, and the reason(s) why.

IV. RECORDING OF INCIDENTS BY CATEGORY

A. In order to develop a comprehensive reporting system, it is necessary to record actions taken by law enforcement personnel whether in response to a request for service or self-initiated actions. Each reported incident occurring within the Department's service area will be categorized as one of the following and will receive a sequential incident or case number:

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

B. Assignment of Case Numbers

1. As personnel become aware of an incident occurring within the City service area that requires the initiation of police activity, they will assign an incident number generated by the RMS (Records Management).
2. Case numbers will be assigned in numerical order.
3. When an incident is assigned a case number, the following information regarding that incident will be entered into the RMS system by personnel:
 - a. Date and time of the initial reporting
 - b. Name and address of the complainant or victim requesting the service.
 - c. Nature of the incident and the location.
 - d. Officers assigned to the call.
 - e. Time dispatched, arrived, and returned to service.
 - f. Status, date, and time of action taken on the call.

C. Officer's Responsibilities

1. Officers will complete all required reports and turn them in to a supervisor prior to ending their shift.
2. Supervisors will review all reports for accuracy and completeness and submit completed reports to the Investigative Unit before the end of shift.
3. Reports returned to officers for correction will be documented by the supervisor and the supervisor shall follow up on the following shift to ensure the report has been corrected and submitted.

D. Master Name Index

The Investigator in the Records Unit will cause a master name index to be maintained and updated. The index will be an alphabetical index of the names of persons identified in the field reports as complainants, arrestees, victims, witnesses, and suspects.

E. Juvenile Records

1. A file is maintained on each juvenile (age 16 and under) arrested, referred or detained by an officer. The file includes all documents associated with the contact as indicated in this section, as well as a running list of the juvenile's detentions and dispositions. State and federal laws require juvenile files to be kept separate from adult files.
2. Juvenile fingerprints and photographs, if taken, will be turned over to the Juvenile Probation Department intake officer. Police Records will not maintain fingerprints or photographs of juveniles. Should fingerprints or photographs be turned over to investigators they will be destroyed as specified in the Family Code sections 58.001 and 58.002.

F. Computerized Criminal History Information

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

G. Encode report system

1. This policy establishes guidelines and responsibilities for the proper use of the Terrell Hills Police Department ENCODE Reporting Program.
2. The ENCODE Reporting Program is a process designed to relieve an officer of the responsibility for submitting a written incident report on assigned calls when certain criteria or conditions exist. A series of authorized ENCODE numbers and statements outlining the specific criteria that must be met for each are attached.
3. ENCODE Reporting Procedure:
 - a. On any call which would require an officer with report responsibility to submit an incident report, the officer is relieved of the responsibility for submitting an incident report if the actions taken by the officer consist entirely of one of the ENCODE number statements.
 - b. If the incident or condition is not entirely covered by an ENCODE number and statement, the officer must submit a written report covering the incident.
 - c. If the incident is one covered by an ENCODE number/statement, the officer with report responsibility shall assign the appropriate ENCODE and notify the dispatcher or the officer may opt to write a report covering the incident.
4. The designated and transmitted ENCODE number is the officer's official report of an incident. All departmental rules, regulations and procedures concerning reports are applicable to the ENCODE Reporting Program. The Alamo Heights Police Dispatching Office will provide a written or electronic record of all ENCODED calls to the Terrell Hills Police Department in case a complainant may have need for documentation. The officer shall provide this case number upon request and a copy of the call printout will be made available as would any other police report.
5. If an officer spends more than thirty (30) minutes on a call, the call may not be ENCODED and the officer must write a report covering the incident. The thirty minute time period starts from the time dispatched and ends when the officer returns to service from the call.
6. The ENCODE system is designed to reduce the number of hard copy files maintained by the department as well as reduce the amount of time officers are out of service during their respective shifts. Officers have the responsibility of insuring that reports are written on incidents that do not meet the ENCODE system criteria.

AUTHORIZED ENCODES

ALARM CALLS:

Encode 2A	Unknown reason for Alarm Activation
Encode 2B	Resident or Employee caused Alarm activation.
Encode 2C	Non-Resident or non-employee error (house keeper, janitor, house sitter, lawn care, repairmen, City Public Service, customer). Any outside influence that establishes no-fault on the part of the permit holder.
Encode 2D	Power Failure
Encode 2E	Inclement Weather
Encode 2F	Open Door or Window Found. Building/Residence checked and secure.
Encode 2G	Alarm Found to be a Fire Alarm -- Fire Notified

E 9-1-1 CALLS:

Encode 3A	No Emergency found, unable to identify the caller.
Encode 3B	Equipment Malfunction
Encode 3C	Child under ten (10) years of age responsible for the call.
Encode 3D	Welfare check due to misdial or error programming phone.

ASSIST THE PUBLIC:

Encode 4A	Motorist assist/ Stranded Motorist.
Encode 4B	Home security survey
Encode 4C	Police Department tours or group talks.
Encode 4D	Escorts and business closing stand-by.
Encode 4E	MV crash agreement between parties. ST-2 form issued.
Encode 4F	Out of Jurisdiction crash or incident directed to proper law enforcement agency for reporting purposes.
Encode 4G	Assist the Public. Community Oriented Service (i.e. Dare, Citizen Contracts, Business Check, School Tours, Safety talks).
Encode 4H	Requests for Civil Stand-by and/or child exchange.
Encode 4I	Civil Matter/ no criminal jurisdiction.
Encode 4J	House watches for Out-of-Towns. Proactive Crime Prevention measures.

ANIMAL COMPLAINTS:

Encode 5	Animal Calls where a bite/scratch has not occurred or a citation will not be issued (barking dog, animals running at large not identified).

SICK/ INJURED PERSON:

Encode 6	Non criminal injury/illness. Patient name and disposition (transport/non transport by EMS) will be given to the communications operator by the reporting officer for entry into the “comments” section of the dispatch module.

PUBLIC WORKS / UTILITIES:

Encode 7A	Verification of reported water leak/gas leak/power outage or on-sight notification.
Encode 7B	Emergency street closure. Communications operator should enter details of closure in the “Comments” section of the Dispatch module.
Encode 7C	Water Conservation restrictions that are in. 1 st notice-City Letter by Public Works Admin. 2 nd Notice-Door Hanger from Public Works.
Encode 7D	Pot-holes, Obstructed signs and intersections due to overgrown shrubbery.

ANY TITLE WITH APPROVAL:

Encode 8	Unable to locate or follow-up on a reported incident AND unable to contact a reporting person having information regarding the incident.

WELFARE CHECK:

Encode 9A	Reported prowler and no evidence of the prowler and no sign of a person in the area who may have caused the concern.
Encode 9B	No indication of criminal activity; resident, individual, location alright.

NOISE DISTURBANCE:

Encode 10A	Cause of disturbance not located, no disturbance in progress.
Encode 10B	Noise found not in violation of State or C.O.V laws.

V. REPORT NUMBER AUDIT & REPORT STATUS

- A. The investigator will run an audit daily for all reports to ensure that the previous days reports have been completed and submitted. All printed reports that are submitted will be placed in numerical order by service number.
- B. When a report has not been turned in within a three day period, the name of the officer responsible for the report will be identified, and the officer will be queried as to the status of the report. Follow ups for missing reports will be made daily until all missing reports are accounted for.
- C. Missing report notices will be sent to officers, and the officer's supervisor when a report has not been received in 72 hours after the end of the shift on which it was taken.

VI. DISTRIBUTION OF REPORTS AND RECORDS

- A. The distribution of reports to the various specialized organizational components within the agency is peculiar to the particular type of report. After reviewing the reports for completeness, the patrol supervisor will forward all reports to the Records Unit.
- B. All offense/arrest reports will then be printed, a file created using the assigned case number for reference, and stored in locked filing cabinets in the Police Records Room.
- C. Citations will be forwarded directly to the Municipal Court.
- D. The original of all records is to remain in the Police Records Room. All corrections or amendments to an original report are made by supplement and not by changing the original report. Supplementary reports will be sent to the investigator whenever additional information is processed.

VII. RECORDS RETENTION AND DESTRUCTION (TBP 5.02)

- A. Texas State Law provides a criminal penalty for willful destruction, mutilation or alteration of public information. Destruction or removal of documents and records of the department shall be made only in accordance with the City's Records Retention Schedule as specified in the State of Texas Records Retention Schedule for Public Service Agencies effective 08/2011, and the Freedom of Open Records Act, respectively.

- B. Accident Reports: The original accident report will be kept for two years in a file in numerical order in the Patrol Sergeant's Office, and will be destroyed after two years. Persons wanting accident reports older than two years can order a copy directly from the Texas Department of Public Safety.
- C. Offense Reports: Because some offenses have no limitations period (can be prosecuted at any time) and because the limitations period for some offenses is based on the age of the victim at the time of the offense, offense report purging cannot simply be based on calculation of a number of years from the date of the offense. Offense reports are therefore maintained in accordance with City Records Retention policy specified in Sub-Section A above..
- D. All Other Information Reports: Any Computerized Miscellaneous Incident Report will be kept for a period of three years and will be kept in numerical order as offense reports are kept.
- E. Adult Arrest Files: Adults may obtain a court order to have their arrest records expunged as specified in Chapter 55 of the Code of Criminal Procedure; otherwise, adult arrest files will be kept in accordance with City Records Retention policy.
- F. Juvenile Arrest Files:
 - 1. A Juvenile arrest file will be created for every juvenile taken into custody by members of this department. Juvenile files are maintained separately from adult files and are kept secure from unauthorized disclosure.
 - 2. Persons may have their juvenile records sealed (not destroyed) by court order as specified in Family Code section 58.003.
 - 3. A court may order destruction of juvenile detention files as specified in Family Code section 58.006.
 - 4. Arrest report files on juveniles who were referred to the Juvenile Court may be purged after the person reaches age 23.
 - 5. Arrest report files on juveniles who were not referred to the Juvenile Court may be purged after the person reaches age 18.
 - 6. Police Records will not maintain fingerprints or photographs of juveniles because the juvenile was detained by police or suspected of a criminal offense as specified in Chapter 58 of the Family Code. Fingerprints and photographs taken as part of the juvenile intake process will be turned over to the Juvenile Probation Department officials. Should fingerprints or photographs be turned over to the investigator they will be destroyed as specified in Family Code sections 58.001 and 58.002.

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

G. Destruction of files and records will be done by shredding, burning, or other means of destruction approved by the Records Coordinator for the City of Terrell Hills when documents exceed the required retention schedule in Sub-Section A above.

VIII. UNIFORM CRIME REPORT (UCR)

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

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

IX. RELEASE OF RECORDS (TBP 5.01)

A. Release of information reported to law enforcement agencies is governed by the Texas Public Information Act and any release requires a written Open Records Request.

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

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

1. Personnel of this department.
2. Sworn officers from other agencies upon written request.
3. Courts of law under proper process.
4. District Attorneys.
5. Federal Law Enforcement Agencies
6. Probation departments.
7. Military Personnel with a written request and signed waiver of the named person. Copies of waivers will be kept for a period of three (3) years.

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

- E. Original reports will only be released to members of this Department and will be documented with date, name, file name and number and the clerk releasing the files in the Police Records Room Removal Log. A copy will be made prior to release of any original report and the Records Room Removal Log will be completed upon each request. Upon the return of original records, the investigator will check the contents of the return against the “check-out log” and note when and who returned the files. If there are no discrepancies in the contents of the records being checked in, the receiving person will initial the “check-out log” placing all records in its originating file location.
- F. Investigators will respond to all requests from the courts for original records. A complete copy of the records requested will be made before removing the original from the investigator’s office.
- G. Individuals may request a “Clearance Letter” for purposes of travel visas, adoptions, and other reasons. Records personnel will obtain at least two pieces (one photo) of identification, along with a written request and check the person’s local record only. The investigator will prepare a “To Whom it May Concern” letter indicating that no criminal record has been recorded in the City of Terrell Hills, and forward such letter to the Chief of Police for his signature. State or Federal Criminal History inquiries are made directly to those agencies by the individual.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 602 Media and Public Information	
	Effective Date: 02/2023	Replaces:05/2018
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

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

- A. When news releases are issued, the Chief of Police will ensure that said releases are equally available to all news media representatives.
- B. The format of news releases will be in written form and will be signed by the Chief of Police or his designated representative.

II. PURPOSE

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

III. PUBLIC INFORMATION OFFICER (TBP 5.04)

- A. The Terrell Hills Police Department has a designated Public Information Officer (PIO) who is responsible for making all media releases.
- B. The Chief of Police or the PIO is also responsible for the approval and release of all police department reports or records.
- C. The PIO will be required to attend applicable training as it pertains to working with the media.
- D. CID Sergeant Michael Guttierrez is the Department's Designated PIO.

IV. PUBLIC INFORMATION GUIDELINES (TBP 5.01 and 5.03)

A. All personnel responsible for the dissemination of reports or information contained therein will receive formal training specific to the management of such records, including training regarding the Freedom of Open Records Act.(TBP 5.01)

. The following are matters of public record by law and will be released, with the exception of information relating to the identity of victims of sexual assaults, juvenile offenders, and witnesses.

1. Arrest Sheet Information:

- a. arrestee's name, alias, sex, race, occupation, arrest sheet number, and physical condition;
 - (1) arrestee photographs will be made available upon receipt of an Public Information Act request.
- b. name(s) of arresting officer(s);
- c. booking information, such as charge(s), court in which charge(s) are filed;
- d. location, date, and time of arrest;
- e. notation of any release and/or transfer;
- f. bonding information.

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

- a. offense(s) committed;
 - b. address of the offense(s);
 - c. identification and description of the victim (except where exempt by law);
 - d. premises involved;
 - e. time of occurrence;
 - f. property involved;
 - g. vehicle(s) involved;
-

- h. weather description;
- i. detailed description of the offense(s);
- j. name(s) of the investigating officer(s); and
- k. name(s) of the complainant(s).

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

1. Offense Report Information:
 - a. identity and description of juvenile offenders (other than sex, race and age);
 - b. identity and description of victims of sexual assaults (other than sex, race and age);
 - c. any report of the sexual assault/abuse of a juvenile;
 - d. summary of reported confessions;
 - e. officer(s) speculation of a suspect(s) guilt;
 - f. officer(s) opinion of a witness(s) credibility;
 - g. statements by informant(s) or witness(s);
 - h. ballistics reports;
 - i. fingerprint comparisons;
 - j. blood analysis and/or other laboratory tests;
 - k. information regarding any polygraph examination;
 - l. trace-metal test results;
 - m. photographic, spectrographic (voice-analysis) or other investigative reports; and
 - n. identity and description of witness(s).
2. Any information from the Criminal History Record Information (CHRI, formerly known as CCH) or "Rap Sheet."
3. Information based on speculation will not be released.

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

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

1. The description of a suspect, prior to or immediately after the filing of formal charges, but prior to arrest may be released only with the approval of the Chief of Police.
2. The name of injured or deceased person will be released, only after the next-of-kin has been notified. This information may be withheld (upon approval of the Chief of Police) if such release will compromise an investigation.
 - a. Death or severe injury notification will not be made by telephone.
3. Information from Department files, limited to the following:
 - a. dates of employment of former employees;
 - b. dates of employment, current assignment, and all previous assignments of current employees (unless release will unduly jeopardize the officer and/or his assignment);
 - c. all significant biographical information on officers killed or seriously injured in the line of duty;
 - d. the history of any police employee, based upon an Open Records Request, will be released after a legal review, as prescribed by law.
4. Should any question exist as to whether requested information is appropriate for public release, the City Attorney's office shall be consulted prior to release of the information.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 603 Maintaining Compliance with TLEBP	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. Designation of the Best Practices Program Compliance Manager (BPPCM)

- A. The Chief of Police will designate a BPPCM responsible for updating requirements necessary for ensuring continued compliance with the Texas Law Enforcement Best Practices.
- B. The BPPCM will design and implement a system to ensure all continuing compliance requirements are met and provide immediate feedback to the Chief of Police if a continuing compliance issue is not met.
- C. The BPPCM shall provide the Chief of Police with a memorandum at least monthly advising the status of Best Practices Compliance.
- D. The BPPCM may enlist the assistance of additional sworn personnel to ensure with compliance issues, however the BPPCM retains the ultimate responsibility for all continued compliance issues.
- E. Gabriel R. Ortiz has been officially designated as the BPPCM for the Terrell Hills Police Department by the Chief of Police.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 701 Constitutional Safeguards- Miranda Wrng	
	Effective Date: 02/01/2023	Replaces: 05/2018
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

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

II. PURPOSE

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

III. PROBABLE CAUSE AND REASONABLE SUSPICION

A. Probable Cause

1. Searches and arrests are based on the existence of probable cause. According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within their [the arresting officers'] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."
2. When an officer has sufficient probable cause, he or she may arrest a person, conduct a search of the person, record the suspect's fingerprints, take the person's photograph, and lawfully detain. The aim of an arrest on probable cause is to make a formal charge. While in some cases, formal charges may not be filed for any number of reasons, officers should only make a custodial arrest if a formal charge is anticipated.

B. Reasonable Suspicion

1. Reasonable suspicion involves a standard less than probable cause, generally defined by the courts as a circumstance or collection of circumstances that would lead a trained, experienced officer to believe that criminal activity may be afoot.
2. When an officer has reasonable suspicion, the officer may detain a suspect and undertake a pat-down of a suspect's outer clothing for weapons and record the circumstances of the encounter. The aim of a detention based on reasonable suspicion is to resolve an ambiguous situation and determine if criminal activity is occurring.

IV. AUTHORITY AND DISCRETION

A. Law-enforcement authority

State law invests peace officers with authority to prevent and detect crime, apprehend criminals, safeguard life and property, preserve the peace, and enforce state and local laws and ordinances.

B. The use of discretion by officers

1. While officers have the authority to arrest an offender under many circumstances, officers seldom are able to arrest individuals for every offense they observe. Officers must prioritize their activities to provide the highest level of service to their community. As a result, they must often use discretion in deciding the level of enforcement action based on the circumstances.
2. Departmental policy gives officers procedures to follow for common or critical enforcement tasks. Departmental policies and procedure are to be followed unless unusual or extreme circumstances dictate another course of action. In these cases, officers shall make reasoned decisions in their discretion based on good judgment, experience, and training. It is up to the individual officer to consider the relevant facts as well as the situation as a whole, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or recommend alternatives that may be more appropriate.

3. The vast majority of persons an officer will contact during their shift are typically law-abiding people who have made a mistake or error in their behavior. In many of these cases there are underlying circumstances that contributed to those mistakes or decisions. Officers are encouraged to exercise understanding and compassion when deciding to take enforcement action, and consider how they, or a member of their family, would like to be treated in similar circumstances.
4. Officers should understand that their decisions regarding arrests and searches are in all cases subject to review by their supervisors.
5. Supervisors shall observe and review the activities of officers and counsel them as needed regarding the use of discretion.

C. Alternatives to arrest/pre-arraignment confinement

1. Officers are required to arrest suspects for all felony offenses and those major misdemeanor offenses where a victim was injured, property was stolen or damaged, or the public or an individual was placed at risk of great harm.
2. In misdemeanor criminal cases where there is no victim or property loss, where an individual or the public was not placed in danger of great harm, and in traffic offenses, officers may occasionally be faced with situations where formal action is not advisable. In such cases, officers may elect to exercise alternatives such as the issuance of citations, referral to a social service agency, file charges “at large”, or simply to give a warning.
3. In determining whether a citation should be used, the officer shall:
 - a. Decide whether the offense committed is serious.
 - b. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors.
 - c. Make a judgment as to whether the accused poses a danger to the public or himself.
4. Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the officer a better solution to the problem will be achieved by use of alternatives to enforcement, the officer should refer the person to an appropriate social services agency.

5. The use of warnings may sometimes provide a solution to a problem and may enhance the public's perception of the department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer shall consider:
 - a. The seriousness of the offense.
 - b. Whether a victim was injured or had property damaged by the offender.
 - c. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors.
 - d. The likelihood that the violator will heed the warning.

V. PROTECTION OF INDIVIDUAL RIGHTS

- A. Officers will, at all times, act to preserve and protect the rights of all persons.
- B. Officers making arrests will ensure suspects are informed of the rights if they intend to question them about an offense. *Miranda* warnings are required and shall be administered prior to any "custodial interrogation." Officers are expected to understand the requirements of Code of Criminal Procedure 38.22 before taking any statements from suspects.
 1. The following represent examples of situations that are not "custodial" and do not require *Miranda* warnings:
 - a. Investigatory stop and frisk.
 - b. Questioning during a routine traffic stop or for a minor violation; to include driving while intoxicated (DWI) stops until a custodial interrogation begins.
 - c. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses or admissions of guilt pertaining to that crime.
 - d. During voluntary appearances at the police facility.
 - e. When information or statements are made spontaneously, voluntarily, and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require *Miranda* warnings.)

2. Administering Miranda. (TBP 7.04)

- a. Miranda warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation.
- b. Follow-up questioning that exceeds simple requests for clarification of initial statements may require Miranda Warnings.
- c. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as it precludes officers from testifying in court as to the precise wording used.
- d. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be questioned only when they have knowingly and intelligently waived their rights. Threats, false promises, or coercion to induce suspect statements is prohibited.
- e. Waivers of the Miranda rights must be performed voluntarily and affirmatively. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate agency form.
- f. Officers arresting deaf suspects and/or victims shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter. The City of Terrell Hills Police Department has access to San Antonio Police Department's Deaf Link terminals located at the Prue Road substation located at 5020 Prue Rd. Officers should call in advance and inform the desk agent they are on the way and will require assistance.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 702 Field Interviews and Detentions	
	Effective Date: 03/14/2023	Replaces: 2/1/2023
	Approved: Gail Baham Chief of Police	
Reference:		

I. POLICY

The agency expects and encourages officers to conduct field interviews. Field interviews are important contacts with individuals that aid in preventing and investigating crime. The agency expects officers to gather information with proper observance of constitutional safeguards. Strict constitutional guidelines exist that protect both the civil rights of all persons and the need of officers to obtain information crucial to the reduction and prevention of crime.

II. PURPOSE

To clearly establish the difference between a Field Interview and an Investigative Detention or Stop. To assist officers to determine when field interviews and frisks for weapons are necessary and useful, and to establish procedures for conducting both safely.

III. DEFINITIONS

a. Field interview (consensual encounter)

A brief interview of a person to determine the person's identity and gather information or to resolve the officer's suspicions about possible criminal activity or determine if they have information about a criminal offense. Field interviews require voluntary cooperation of the subject. A field interview contrasts with a detention or stop which is based on reasonable suspicion of criminal behavior.

b. Frisk

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

c. Reasonable suspicion

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

d. Detention (Stop)

It is an involuntary detention of a subject for a brief period of time for the purpose of investigating the actions of the individual. In order to make the stop, the officer must have reasonable suspicion to believe that criminal activity is afoot and that the person to be detained or stopped is involved. A stop is an investigative detention. The following characteristics may, under the circumstances, give rise to reasonable suspicion for a stop. This list is not all-inclusive nor is the presence of any one of these circumstances alone always sufficient for reasonable suspicion.

- i. Officer has knowledge that the person has a criminal record.
- ii. A person fits the description of a wanted notice.
- iii. A person has exhibited furtive conduct such as fleeing from the presence of an officer or attempting to conceal an object from the officer's view.
- iv. The appearance, behavior, or actions of the suspect suggest that he is committing a crime.
- v. The time of day or night is inappropriate for the suspect's presence in a particular area.
- vi. The officer observes a vehicle that is similar to that of a broadcast description for a known offense.
- vii. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.
- viii. The suspect is in a place proximate in time and location to an alleged crime.
- ix. The suspect is carrying an unusual object, or his clothing bulges in a manner consistent with concealing a weapon.

IV. FIELD INTERVIEW PROCEDURES

a. Making the field interview or stop: overview

- i. An officer may conduct a field interview at any time if an individual is willing to speak with the officer. A field interview requires voluntary cooperation from the subject. In the absence of probable cause to arrest or reasonable suspicion to justify an actual investigative detention or stop, the individual may discontinue the interview at any time and leave. The person may also refuse to produce identification or otherwise identify himself. The individual does not have to answer any questions or provide any information.

ii. An officer must be able to articulate the circumstances that warranted the interview of the subject. In court, should a field interview result in an arrest, an officer must justify his intrusion by describing "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Articulable facts and circumstances derive from:

1. Firsthand observations.
2. Information from informants or members of the community.
3. "Collective knowledge" or information shared by several officers.
4. Reasonable inferences made by the officer from information known to the officer.

b. Place of the interview

i. As a general rule, field interviews may be conducted anywhere the officer has right to be, including:

1. City-owned or controlled property, normally open to members of the public.
2. Areas intended for public use or normally exposed to public view.
3. Places to which an officer has been admitted with the consent of the person empowered to give such consent.
4. Places where circumstances require an immediate law enforcement presence to protect life, well-being or property.
5. Areas where an officer may be admitted pursuant to a lawful arrest or search warrant.
6. Any other area in which an officer may effect a warrant-less arrest.

ii. Field contacts shall not be done to coerce a person to leave an area or place where he or she has a legitimate right to be and where no violation of law has occurred.

c. Conduct of Interviews

- i. Officers shall clearly identify themselves and, if not in uniform, display identification.
- ii. As noted above, a person interviewed by the officer may discontinue the interview at any time. To repeat, during a routine field interview, persons shall not be detained in any manner against their will nor shall they be required to answer questions or respond in any manner if they choose not to do so. The fine line drawn between a field interview and a detention or stop must be strictly observed. Since the distinction between an interview and a detention depends to a great extent on whether, under the circumstances, the subject perceives that he is free to leave, officers shall comply with the following guidelines:
 1. All requests during the interview should be phrased with neutral or optional words, such as "may," "would you mind," etc.
 2. The duration of an interview should be as brief as possible unless prolonged by the subject.
 3. During the interview, officers should confine their questions to those concerning the subject's identity, place of residence, and other matters necessary to resolve the officer's suspicions.
 4. Miranda warnings are not required during field interviews. The warnings are not required until custodial questioning takes place.
- iii. The success or failure in obtaining information beneficial to crime analysis and criminal investigation will depend upon an officer's ability to put individuals at ease and establish a rapport. However, during a field interview, if the person should ask whether he must respond, or indicate that he feels compelled to respond, the officer shall immediately inform him (or her) of the right to refuse, as well as the right to leave.
 1. When a person refuses or ceases to cooperate during an interview, the refusal itself cannot be used as the basis for escalating the encounter into a detention.
 2. Individuals cannot be compelled to answer any questions during field interviews.
 3. Information gathered by the officers during the field interview will be recorded and submitted in a field interview report and submitted at the end of the officer's shift.

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

- a. The legal authority to conduct an investigative detention or stop (and frisk when warranted) is based in Federal and State constitutions as interpreted by court decisions.
- b. Investigative detentions may involve two distinct acts. The first is the actual detention or stop which is based on reasonable suspicion. A second component may be a frisk of the detainee for weapons. The frisk must be justified by the officer's reasonable fear for his safety during the detention. The safety concern must arise from the conduct of the detained person, not from safety concerns in general. For example, a frisk could not be justified solely on the claim that "all drug dealers are dangerous." Not every detention will result in a frisk. Examples of safety factors justifying a frisk may include but are not limited to:
 - i. The type of crime suspected, particularly those involving weapons.
 - ii. When the officer must confront multiple suspects.
 - iii. The time of day and location of the stop.
 - iv. Prior knowledge of the suspect's propensity for violence.
 - v. Any indication that the suspect is armed.
 - vi. Age and sex of the suspect (officers shall exercise caution with very young or very old people or persons of the opposite sex).
- c. Manner of conducting a frisk
 - i. Ideally, two or more officers will conduct the frisk, one to search and the other to provide protective cover.
 - ii. The minimally intrusive nature of a frisk permits the suspect to be searched while standing, or with hands placed against a stationary object, feet spread apart, which is the preferred method.
 - iii. When frisking, officers shall search only the external clothing for objects that reasonably could be weapons and remove them.
 - 1. Retrieval of the weapon may give probable cause to arrest. If so, officers may then conduct a complete custodial search of the suspect incident to arrest.

- iv. If, during a lawful detention based on reasonable suspicion, the officer conducts a frisk and feels an object whose contour or mass makes its identity as contraband immediately apparent, pursuant to the plain touch doctrine, it may be withdrawn and examined.
- v. If the suspect is carrying a bag, purse, suitcase, briefcase, sack, or other container that may conceal a weapon, officers shall not open it but may place it beyond the subject's reach for the duration of the stop.

d. Protective search

- i. Under some conditions, the protective search or the search for weapons may be extended beyond the person detained. This search occurs most often involving vehicles. A lawful protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all of the following elements present:
 - 1. A lawful detention as defined herein or a lawful vehicle stop.
 - 2. A reasonable belief that the suspect(s) poses a danger.
 - 3. A frisk of the subject must occur first.
 - 4. The search must be limited to those areas in which a weapon may be placed or hidden.
 - 5. The search must be limited to an area which would ensure that there are no weapons within the subject's immediate grasp.

e. Period of detention

- i. Investigative detention--as with field interviews--must be conducted as quickly as possible. Once the detaining officer determines that the basis for reasonable suspicion no longer exists, the person detained shall be immediately released. Should the suspicion be reinforced with additional information or the officer develops probable cause, the period of detention could be lengthened. The courts generally permit up to 20 minutes to constitute a reasonable period of time for the interview.

VI. DOCUMENTING THE INTERVIEW OR STOP

For purposes of successful prosecution and defending departmental actions to the public, all Field Interviews and Investigative Detentions must be recorded. The following methods will be utilized:

- a. Patrol officers will record all field interviews in their entirety on their body worn cameras. Officers can also attempt to position their patrol vehicle's dash camera in a position to record the interview. If not possible, the use of the audio portion of the vehicle's dash camera is required.
- b. If an interview or investigative detention results in an arrest, the arresting officer will clearly detail the reasonable suspicion that led to the interview or detention in the narrative of the arrest report as well as maintaining the audio/video recording as evidence.
- c. In the case of an arrest, officers will obtain a case number and create a report to record the reasonable suspicion and details of the interview or detention. The report will be forwarded through the officer's supervisor to the investigator.
- d. Should the Field Interview not result in any further police action being taken, the officer will generate a "Field Interview Report" and attached the Call For Service (CFS) number as assigned by dispatch.
- e. Should the subject of the Field Interview refuse to identify, an Information Report will be written by the officer and a case number obtained from Dispatch will be attached.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 703 Arrests With and Without a Warrant	
	Effective Date: 6/01/2020	Replaces: 5/2018
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

Short of the application of force, an arrest is the most serious action an officer can undertake. An arrest can cause repercussions throughout a person's life, even if eventually found not guilty or never brought to trial. The most important legal question facing an officer at the moment of an arrest is the existence of probable cause. Without probable cause, the arrest is illegal and the evidence of criminality that was obtained because of the arrest is inadmissible. Officers shall accordingly exercise critical judgment in making arrests. Critical judgment includes consideration for bystanders, the time, place, and location of offenses, and the use of force in making the arrests. Officers shall consider alternatives to arrest consistent with their law-enforcement mission.

II. PURPOSE

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

III. DEFINITIONS

A. Arrest

An arrest is the seizure of a person, supported by probable cause.

B. Probable cause

According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within [the arresting officers'] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed" and that the person to be arrested committed it. An officer must have probable cause to make an arrest.

IV. DISCRETION

- A. Officers shall demonstrate discretionary judgment. Discretion shall be applied reasonably and shall be guided by the oath of office, the limits of authority as established by law, the decisions and interpretations of the courts, the policies of our Department, and the oral instruction provided by field supervisors.
- B. Officers shall not make arrests or take any enforcement action based in whole or in part by a person's sex, race, creed, color, age, general or assumed attitude, ethnic or natural origin, economic status, disabilities, or sexual orientation.

V. ARRESTS WITH A WARRANT (TBP 7.02)

A. General Procedures for Arrest with a Warrant

- 1. Arrests with a warrant will be made pursuant to Chapter 15 of the Texas Code of Criminal Procedure.
- 2. Except as authorized by the Texas Code of Criminal Procedure, Chapter 14, or Section 18.16, an officer shall not arrest anyone without an arrest warrant.
- 3. An officer shall not alter any information on an arrest warrant in any manner after a magistrate has issued it.
- 4. An officer shall not execute any arrest warrant until its validity has been confirmed by the entity who issued it.
- 5. If an officer has any question about the details of an arrest warrant, he shall verify the information before making an arrest under authority of that warrant.
- 6. Any decision to send Regional or Statewide messages concerning a warrant will be made by a supervisor or the investigator assigned to the case. An officer need not have actual physical possession of an arrest warrant in order to execute it. However, before executing a warrant not in his possession, the officer shall personally determine the location of the warrant.
- 7. In executing an arrest warrant, whether or not he has the warrant in his possession, an officer shall announce to the person being arrested that the arrest is made pursuant to an arrest warrant. If the officer has the warrant in his possession, the officer shall show it to the arrestee. If the officer does not possess the warrant, the officer shall advise the arrestee of the charge, bond and originating agency who issued the warrant.

8. Officers may enter a third party's residence:
 - a. with consent to search from the resident or person having control of the property, or
 - b. With a search warrant for that residence in order to enter and make the arrest, or
 - c. While in fresh pursuit of the wanted person.

B. Warrants from Other States/Jurisdictions

1. Whenever any officer has probable cause to believe that a person is wanted in another state, the officer shall:
 - a. Arrest the person only after the warrant has been confirmed using accepted methods of warrant confirmation. This arrest is made under the authority granted to Peace Officers in the Texas Code of Criminal Procedure, Chapter 51, Fugitives from Justice.
 - b. Book the arrested person directly into the custody of the Bexar County Sheriff's Department.
 - c. The existence of a warrant from another state does not provide officers the authority to enter a third person's residence to make the arrest. Officers may only enter a third person's residence in the following circumstances:
 - i. With consent to search from the resident or person having control of the property, or
 - ii. With a search warrant for that residence in order to enter and make the arrest, or
 - iii. While in fresh pursuit of the wanted person.
2. Immigration Customs Enforcement (ICE) warrants require that the officer detain the wanted subject if indicated by TCIC/NCIC and so advised by dispatch. Officer will then contact ICE agent and confirm the subject's detention. ICE agent will then either respond to the scene or have the officer transport the subject to nearest facility to take custody of the subject. Officer will have the ICE agent sign a release form before releasing custody of the subject to the agent.

C. Chance Encounters

1. Whenever an officer lawfully stops or otherwise detains and identifies a person, the officer may concurrently initiate a records check to determine whether any arrest warrant is outstanding against that person.
2. To conduct a records check, an officer may detain a person who has been lawfully stopped for a reasonable period of time. For a routine records check by radio, telephone, teletype, or computer terminal, the detention should not exceed a reasonable amount of time. However, detention may be extended, but no longer than necessary, if the officer has a reasonable suspicion that a warrant is outstanding.

3. The person may be required to wait in the officer's vehicle, in his own vehicle, or in some other convenient place.
4. The person may be frisked if the officer can articulate a reasonable fear for his or her safety.

D. Planned Executions of Arrest Warrants

1. The responsibility for the coordination and planned execution of an arrest warrant will be with the THPD Criminal Investigation division.
2. The time of day for executing the arrest warrant shall be based on the following rules:
 - a. Execute during daylight, unless circumstances make this dangerous or impractical.
 - b. Execute when the person named in the warrant is most likely to be present.
 - c. Execute when resistance is least expected and best controlled.
 - d. Minimize the danger or inconvenience to other persons who may be on the premises, unless other circumstances make this impractical.
 - e. Whenever possible, arrests shall be made in a location where the arrest will not pose a threat to the safety of the public (e.g., crowded places where bystanders may be injured should the arrestee offer resistance, particularly resistance involving the use of firearms).
3. An officer may serve the warrant at any place, public or private, where the individual named is reasonably believed to be located (subject to third party private location rule.)
4. Officers need not execute the warrant at the first possible opportunity to do so but may choose the time and place in accordance with these rules. However, an officer shall not select the time and place of arrest solely to embarrass, oppress, or inconvenience the arrestee.
5. An officer shall not use force to enter private premises to execute a misdemeanor arrest warrant.
6. In general, when seeking to enter a private premise, an officer shall ring the doorbell or knock on the door, announce his intentions and purpose, and demand admittance. The officer may then wait, for a reasonable time under the circumstances, to be admitted.
7. Officers may only enter a third person's residence in the following circumstances:
 - a. with consent to search from the resident or person having control of the property, or
 - b. With a search warrant for that residence in order to enter and make the arrest, or
 - c. While in fresh pursuit of the wanted person.

8. If the execution of an arrest warrant may involve significant risk to officers, a statement of the circumstances of this risk should be included in the affidavit and the magistrate requested to include a “No Knock” authorization to the warrant. If a “No Knock” provision has not been authorized by the magistrate, and articulable circumstances occur at the time of execution of the warrant (such as efforts to destroy evidence, evade arrest, or endanger officers) an immediate entry may be made without the required notice and waiting period.
9. If an officer must make a forcible entry, the officer shall enter the premises by the least forceful means possible under the circumstances. Although entry may necessarily include breaking a door or window, an officer must strive to inflict as little damage as possible to the premises.
10. Whenever an officer must forcibly enter private premises to execute a felony arrest warrant, the officer in charge of the operation shall have enough officers present, and take other appropriate measures to protect the safety and security of all persons present. To identify the group as officers, at least one fully uniformed officer should lead the entry into the premises.
11. After forcibly entering private premises to execute a felony arrest warrant, officers shall immediately secure the premises by locating, and controlling the movement of all persons who reasonably appear to present a threat to the safety of the officers. Officers shall also control any object that may be used as a weapon. An officer may frisk any person who the officer reasonably suspects may have a weapon concealed upon his person.
12. An officer shall leave the premises at least as secure as when he entered by leaving it in the hands of a responsible person or by locking all doors and windows.

E. Execution of Local Warrants by Other Jurisdictions

1. This Department does not facilitate or permit the arrest of persons on local warrants (Municipal Court) by other jurisdictions.
2. All other Class B or higher warrants issued as a result of pending criminal cases from this agency are normally handled through the Bexar County Sheriff’s Office.

F. Local Municipal Warrants

1. No officer shall arrest any person for Class C warrants issued by this City.
 - a. Officers will refer all persons with Municipal Warrants from this City directly to this City’s Municipal Court for disposition.

G. PROCEDURES - Obtaining an arrest warrant

1. All applications and affidavits for arrest warrants will be made by the THPD Criminal Investigations Division.
2. The lead detective/investigator will be in charge of the warrant execution. While the lead detective or officer may develop the case information, construct the affidavit, and obtain the warrant, the lead detective/investigator is responsible for the proper and safe execution of the warrant including compliance with this policy.
3. Essential legal requirements
4. To obtain an arrest warrant, an officer must show probable cause to believe that a particular person committed the specified offense.
5. The officer shall carefully document in an affidavit specific facts that constitute probable cause. Two kinds of facts must be considered:
 - a. The facts from which the officer concluded that the person or thing is probably located at the place to be searched.
 - b. The facts which address the reliability of the source of the officer's information.
6. The court considers only those facts presented in the warrant and affidavit. Conclusions and suspicions are not facts. Facts must be recent.
7. Apart from the officer's personal knowledge or observations, facts may derive from a reliable informant.
8. Reliability of facts is established by:
 - a. Personal observation or knowledge by an officer.
 - b. Eyewitnesses who have first-hand knowledge.
 - c. Informants (if proven reliable or corroborated by personal observation of an officer).

H. Affidavits

1. The accuracy of the affidavit is vital to the validity of the arrest warrant. On the designated form, officers shall provide the required information and swear to the facts of the affidavit before a judge or magistrate.
2. The affidavit shall include the following elements:

- a. A detailed name and description of the person.
- b. A substantial allegation of the offense in relation to which the arrest is to be made.
- c. Facts that establish probable cause that the person named in the warrant did commit the alleged offense.

I. Language of the warrant

- 1. The warrant shall name the person to be arrested.
- 2. If time and opportunity permit, the affidavit and warrant should be reviewed by the District Attorney prior to presenting it to a magistrate.

VI. ARREST WITHOUT A WARRANT (TBP 7.03)

A. Federal and state constitutions protect individuals from arbitrary and oppressive interference with privacy by law enforcement officials. Further, officers must have probable cause that a crime has been committed, and that the person to be arrested has committed the crime.

B. When warrantless arrests may be made

- 1. The Texas Code of Criminal Procedure, in Chapter 14, gives officers the authority to make warrantless arrests, supported by “*probable cause*”, as follows:
 - a. Officers may arrest persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten, or are about to commit some offense against the laws.
 - b. If an officer has *probable cause* to believe that a person has committed an assault resulting in bodily injury to another and believes that there is danger of further bodily injury to that person, the officer may arrest the violator. If an officer has probable cause to believe that the person has committed an offense involving family violence, the officer may arrest the violator.
 - c. If a person prevents or interfered with an individual’s ability to place an emergency telephone call related to family violence, an officer may arrest the violator.
 - d. Officers shall arrest a person in violation of a valid protective order when committed in the officer’s presence. Officers may arrest an offender for any offense committed within the officer's presence or view, excluding Class C traffic violations.

- e. Officers may arrest at the direction of a Magistrate, when a felony or breach of the peace has been committed.
- f. Where it is shown by satisfactory proof to a peace officer, upon the representation of a *credible* person, that a felony has been committed, and that the offender is about to escape, so that there is not time to procure a warrant, said officer may, without warrant, pursue and arrest the accused.
- g. Officers may arrest a person who confesses to a felony crime.

2. Warrantless Arrests Outside Officer's Jurisdiction:

- a. Although officers are discouraged from making arrests outside their jurisdiction, officers may make warrantless arrests in compliance with state law. Officers who are outside their jurisdiction may arrest, without warrant, a person who commits an offense within the officer's presence or view, if the offense is a felony, breach of the peace, or violation of Chapter 42 or 49 of the Texas Penal Code.
- b. Any officer making a Warrantless arrest outside his/her jurisdiction shall notify the law enforcement agency of proper jurisdiction. The law enforcement agency shall take custody of the prisoner and arraign the prisoner before a magistrate in compliance with state law.

VII. POST-ARREST PROCEDURES

A. Injury before or during arrest

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

B. Processing of paperwork

1. All incident/offense reports, calls for service, supplemental reports and any other reports required of the incident, where an arrest was effected will be submitted prior to the end of the officer's shift. It will be the responsibility of the officer's shift supervisor to review and approve all reports. Any changes deemed necessary by the supervisor will be returned to the officer for corrections. The following listed forms that need to be submitted are:
 - a. Offense reports.
 - b. Booking forms.
 - c. Copies of summonses.
 - d. Copies of warrant.
 - e. Jail committal forms.
 - f. In the case of juvenile offenders:
 - g. Petitions.
 - h. Detention orders.

C. Mirandizing Arrestees (TBP 7.04)

1. Arrestees shall be advised of their Miranda rights before any questioning directly related to the offense being arrested for.
2. A waiver of the Miranda rights must be obtained before any direct questioning relating to the offense being arrested for.
3. If the arrestee has not waived his or her Miranda rights, no questioning shall be conducted beyond that necessary to accomplish the booking procedure (name, address, etc.).
4. If the arrestee declines to waive his or her Miranda right to counsel, or if the arrestee, after waiving that right, elects to reassert it, questioning must cease immediately and no further questioning may be conducted unless
 - a. An attorney representing the arrestee is present, or
 - b. The arrestee voluntarily initiates a further interview.
 - c. If the arrestee has not waived his or her Miranda rights, then even though the arrestee is not being directly questioned officers shall refrain from engaging in conversation among themselves in the presence of the arrestee that is calculated to elicit incriminating statements or admissions from the arrestee

VIII. RELEASE FROM ARREST

- A. Officers may encounter a circumstance where probable cause develops to arrest a person for an offense, only to find out shortly thereafter that the person under arrest did not commit a crime, or that the event was not a crime. It is imperative then, that the officer requests a supervisor to the scene to end the arrest process and release the person as soon as possible.

B. Procedure

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

IX. IMMUNITY FROM ARREST

A. Legislative immunity

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

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

B. Diplomatic immunity

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

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 704 Searches without a warrant	
	Effective Date:02/01/2023	Replaces:06/01/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

In order to ensure that constitutional rights are protected, search warrants are required in all appropriate criminal cases except for the following circumstances:

Searches without a judicial warrant are strictly limited to those circumstances where the courts have granted officers limited exceptions. If during an investigative stop, an officer has reasonable suspicion that an individual may be armed with a weapon - the officer may conduct a limited pat-down of the individual's clothing to protect the officer. Other exceptions to the search warrant requirement are provided in this policy.

II. PURPOSE

To establish guidelines for searches incident to arrest and other searches without a warrant.

. SEARCH INCIDENT TO ARREST

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

C. An officer making a search incident to an arrest may search only the following permissible places:

1. The entirety of the person being arrested.
2. The area within the immediate control of the person being arrested into which the suspect might reach for a weapon or for evidence.

D. Accessories carried by the suspect may be searched incident to a full custodial arrest for they are within the area in which the defendant might reach to grab a weapon or an item of evidence.

E. Vehicles may be searched contemporaneous with the arrest of the occupant or driver only if:

1. The arrested vehicle occupant is unsecured and within arm's reach of the passenger compartment at the time of the search, or
2. The officer has a reasonable belief that *evidence related to the crime of the arrest* is located within the passenger compartment.
3. Once an occupant has been secured and is unable to effectively reach the passenger compartment, the authority to search the vehicle for safety reasons is removed. Officers may conduct a search of a vehicle passenger compartment in such circumstances if other warrantless search exceptions apply or by obtaining a search warrant.

F. Strip searches

1. Refer to THPD Policy #1001 Section V (C).

G. Body-cavity searches

1. Refer to THPD Policy #1001 Section V (D).

IV. OTHER WARRANTLESS SEARCHES

A. Consent Searches

A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to the search. Note that the officer doesn't have to have reasonable suspicion nor probable cause to request a consent search: he or she may merely ask for permission from someone with control over the item or premises. If that person grants permission, the search may take place. The sole justification for a consent search is the existence of knowing, intelligent, and voluntary consent.

1. Consent searches must observe the following rules:

- a. Generally, the person granting consent must use, access, or control the property. A person having use, access, or control of only a part of a jointly owned property can only give consent for a search of that part. Specifically, the person giving consent **must have the authority** to give consent.
- b. If two people have joint ownership of property, either may give consent if they are the only one present. If possible, have all the consenting parties present sign a written consent-to-search form. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.
- c. A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises, unless the tenant has been evicted or has abandoned the property.
- d. A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use if they are the only one present. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.
- e. A parent may consent to a search of premises occupied by a child under the age of majority if the parent also has access to the premises. If a dependent child is present and is over the age of majority, he or she may legally object to the search of an area that is jointly owned or possessed.
- f. An employee cannot give valid consent to a search of his employer's premises unless he has been left in custody of the premises.

- g. An employer may generally consent to a search of premises used by employees, except premises used solely by another employee (e.g., a locker).
- h. **Consent must be given voluntarily.** If an officer requests consent from a person under circumstances which a reasonable person would consider coercive, the search would not be consensual, and the officers should seek a warrant. The officer may have the burden of demonstrating voluntariness.
- i. A person who initially gives consent may withdraw it at any time. Officers shall then secure the premises and seek a warrant if probable cause exists.
- j. Refusal to give consent, in itself, cannot justify further law-enforcement action.
- k. The scope of a consent search is limited to the area for which consent has been given, and within this area officers may search only into areas where the objects sought could reasonably be hidden.

2. Documentation of Consent Searches

- a. Although verbal consent is valid, THPD officers will carry and use the Voluntary Consent to Search form. The form should be completed and signed by the consenting parties. All Consent to Search Forms shall be affixed with the assigned case number and forwarded with the offense or incident report.
- b. If a person gives verbal consent but refuses to give written consent, Police officers should consider the severity of the case along with viable options (i.e., obtaining a search warrant or some other exception to the search warrant requirement) before proceeding with the search. Any such verbal consent should be documented using patrol vehicle audio/visual equipment **to include but not limited to a body worn camera.**
- c. If a Police officer proceeds to search on verbal consent, it should be remembered that the burden of proof is always on the government.
- d. Police Officers will not only have to prove the consent was voluntary, but that it was actually given (officer's word against defendant). Officers should attempt to take additional steps to eliminate this argument (i.e., audio/video record the verbal consent, have an impartial third party witness the consent by signing the form).

- e. Police Officers should make every effort to minimize conditions which could be offered as "threat or intimidation"; such as:
 - i. Number of Police officers present (especially in uniform);
 - ii. Amount of force used to detain or arrest - i.e., displaying firearms, use of handcuffs, etc.;
 - iii. Language and tone of voice used in requesting consent;
 - iv. Other non-verbal communications.

B. Emergency searches

1. A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances."
2. Police Officers may make a warrantless search of any person or anything, whether personal belongings, vehicles, or buildings, anytime they have a probable cause to believe it is necessary to save a life, prevent injury, or prevent the destruction of evidence.
3. Police Officers who observe criminal activity occurring inside a private place from outside the private place may not always be able to secure a proper warrant in a timely manner and will adhere to the following guidelines:
 - a. If the offense is a misdemeanor, Police officers will not enter unless:
 - i. Valid consent is given by a person with apparent authority to grant such permission, or
 - ii. There is reason to believe there is an immediate need to protect the safety of some person inside the location.
 - iii. Circumstances where alcohol and/or illegal drugs are present, and the health and safety of minors is a legitimate concern.
 - b. If the offense is a felony, Police officers will not enter unless:
 - i. Valid consent is given by a person with apparent authority to grant such permission.
 - ii. There is probable cause to believe the destruction of contraband or other evidence is imminent if it is not immediately recovered, or

- iii. There is reason to believe there is an immediate need to protect the physical safety of some person inside the location.
 - c. Where Police officers enter private property under felony circumstances as described above, and misdemeanor violations are also observed, they may take appropriate action with regard to all criminal conduct regardless of the kind of offense or the age of the individuals engaged in any criminal or status offense.
4. If officers enter premises with probable cause to believe that critical evidence may be destroyed or removed unless immediate action is taken, they may enter without a warrant, secure premises, and obtain a search warrant before proceeding further unless they have obtained consent to search, or some new circumstances arise necessitating another warrantless search.

C. Plain view

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

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

D. Plain feel

During a lawful frisk (stemming from a lawful stop), if an officer detects an object that is or might reasonably be an item that is contraband or other criminal evidence, then the object may be seized. Threatening items such a weapon may always be removed during frisks. Non-threatening items may be removed only if their contraband or evidentiary nature is immediately apparent.

E. Abandoned property and open fields

A search warrant is not required for property that has been abandoned. 1.

To constitute abandoned property, three conditions must apply:

- a. Property was voluntarily abandoned.

- b. The abandonment was not a result of police misconduct.
 - c. Property was discarded outside the area in which someone has a reasonable expectation of privacy.
- 2. Open fields are not protected by the Fourth Amendment, but officers must distinguish them from curtilage, searches of which require a warrant. Curtilage is the area of a dwelling which is necessary, convenient, and habitually used by the family for domestic purposes. The extent of curtilage of a private residence is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation. Note that under some circumstance's surveillance (e.g., aerial surveillance) of activities within curtilage may take place without a warrant.

V. VEHICLES

A. In recent years, the U.S. Supreme Court has modified and expanded the conditions under which officers may search vehicles. Preferably, officers shall search vehicles under the authority of a warrant whenever sufficient time exists to obtain one. Nevertheless, warrantless searches of vehicles may take place under a number of conditions and circumstances. It is imperative that officers understand the different types of vehicle searches and their limitations.

B. Definitions

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

C. When warrantless vehicle searches may be performed

- 1. As noted earlier, warrants shall be obtained to search vehicles, if feasible, unless an emergency exists. Any vehicle that has been disabled with little chance of its being driven away shall be searched with a warrant. In all other cases, vehicles may be searched without a warrant with the following limitations:
 - a. With a warrant, a search may extend anywhere within the vehicle, unless limited by the warrant itself.

- b. When probable cause exists, a search may extend anywhere within the vehicle, unless the probable cause is limited to a specific part of the vehicle.
- c. When consent has been obtained from the driver, officers may search the vehicle subject to any limitations specified by the consenting person. Consent shall be obtained in writing, if feasible.
- d. Searches incident to the arrest of an occupant shall be limited to any area within reach of the arrestee. The area within reach is deemed to be the passenger compartment. The trunk, engine compartment, and any locked compartments shall not be searched unless immediately accessible to the suspect. (See Section III above for a fuller treatment of searches incident to arrests and restrictions. Once an individual is restrained or removed from the immediate area of the vehicle, the authority to search the area within reach is removed.)
- e. Frisks for weapons shall be confined to the passenger area. Any place not immediately accessible to the occupants, such as a locked glove compartment, shall not be frisked. If the contents of a container are immediately accessible to the subject, a closed container may be searched for weapons. Note that an officer can order the suspect from the vehicle and frisk both the suspect and the vehicle.
- f. An entry into the vehicle to examine the VIN or otherwise determine ownership must be limited to these purposes.
- g. An emergency search of the vehicle may be conducted but the extent of the search must not exceed whatever is necessary to respond to the emergency.
- h. Note: If the initial search under the above conditions gives rise to probable cause that evidence, contraband, fruits, or instrumentalities of the crime might be found elsewhere in the vehicle, officers may search those areas that might reasonably contain such items.

D. Containers within the vehicle

1. As a rule, no container within a vehicle shall be searched unless it might contain the item(s) sought.
2. Procedures for unlocked containers

- a. In a probable cause search, containers may be opened wherever found in the vehicle.
- b. When the passenger area is searched incident to an arrest, containers within the passenger area may be opened.
- c. During a consent search, containers may be opened provided that the terms of the consent either so permit or reasonably imply permission.
- d. Containers found in or discarded from a vehicle under circumstances not amounting to probable cause or in connection with a search incident to an arrest shall not be searched but shall be secured until a warrant is obtained.
- e. The abandonment doctrine does apply to containers thrown from a vehicle by a suspect.

3. Procedures for locked containers

- a. Under most conditions, locked containers shall be opened under a warrant unless one of the following circumstances has been met:
 - i. Consent has been given.
 - ii. Probable cause exists to search the vehicle and the object of the search might be found in the container. (Even in this circumstance, a warrant is preferred.)
 - iii. Inventory, only if a key is present.

E. Conduct of the vehicle search

- 1. When possible, searches of vehicles shall be conducted contemporaneous with the stopping or discovery of the vehicle. As a general rule, vehicle searches shall be conducted as soon as reasonably possible.
- 2. When possible, officers shall avoid damaging a vehicle or its contents, and shall minimize the intrusiveness of the search and any inconvenience suffered by the passengers or owner.
- 3. As vehicles may contain sharp or pointed objects, and perhaps even syringes or other materials with body fluids on them, officers shall take precautions to minimize exposure to communicable diseases.

F. Vehicle Inventory Search (TBP 7.16)

While not a search for evidence or contraband, a vehicle inventory may be conducted if the vehicle is to be impounded, to determine the presence of items of substantial value requiring special storage and/or safekeeping. Any such inventory will be documented on the Department's Vehicle Inventory and Impound Form. Refer to THPD Policy 716.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 705 Search Warrants	
	Effective Date:02/01/2023	Replaces:06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

The federal and state constitutions guarantee every person the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. Supreme Court decisions regarding search and seizure place the responsibility on the police to ensure that person's Fourth Amendment rights are protected. Officers shall scrupulously observe constitutional guidelines when conducting searches and always remain mindful of their lawful purpose. Search warrants, in particular, are one of the most valuable and powerful tools available to law-enforcement officers. Because of the potential harm to members of the community, the risks to officers' safety and to the Department's image in the community, officers shall have a thorough knowledge of the legal requirements in obtaining and executing search warrants.

II. PURPOSE

The purpose of this general order is to establish guidelines and procedures which officers must follow when conducting searches and seizures.

III. DEFINITIONS

- A. Search Warrant: A written order, issued by a magistrate, and directed to a peace officer, commanding him to search for any property or thing and to seize the same and bring it before such magistrate or commanding him to search for and photograph a child and deliver to the magistrate any of the film exposed pursuant to the order.
- B. Search Site: The premises to be searched, as explicitly stated in the search warrant.
- C. Lead Detective: The officer primarily responsible for the investigation, and preparing, planning, and implementing the search warrant.
- D. Protective Sweep: Quick and limited search of premises incident to an arrest or service of a warrant performed in order to identify weapons or other dangers to officers or others. Officers must be able to articulate a reasonable basis for conducting a protective sweep.

- E. Curtilage: Curtilage usually refers to the yard, garden, or piece of ground which adjoins a private residence. While the term has no absolute definition that applies under all circumstances, the curtilage of a private residence, for instance, is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation.

IV. PROCEDURES - General

A. State Law

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

B. Supreme Court decisions

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

- C. Exceptions to search warrant requirements are discussed in the Terrell Hills Police Department policy regarding search incident to arrest and other searches without warrants.

V. PROCEDURES - Obtaining a search warrant

- A. All applications for search warrants- except DWI Blood Warrants- will be made by the THPD Criminal Investigations Division.
- B. The lead detective/investigator will be in charge of the warrant execution. While the lead detective or officer may develop the case information, construct the affidavit, and obtain the warrant, the lead detective/investigator is responsible for the proper and safe execution of the warrant including compliance with this policy.
- C. Essential legal requirements
 - 1. To obtain a search warrant, an officer must show probable cause to believe that specific evidence, contraband, or fruits of a crime may be found at a particular place.
 - 2. The officer shall carefully document in an affidavit, specific facts that constitute probable cause. Two kinds of facts must be considered:
 - a. The facts from which the officer concluded that the person or thing is probably located at the place to be searched.
 - b. The facts which address the reliability of the source of the officer's information.
 - 3. The court considers only those facts presented in the warrant and affidavit. Conclusions and suspicions are not facts. Facts must be recent.
 - 4. Apart from the officer's personal knowledge or observations, facts may derive from a reliable informant.
 - 5. Reliability of facts is established by:
 - a. Personal observation or knowledge by an officer.
 - b. Eyewitnesses who have first-hand knowledge.
 - c. Informants (if proven reliable or corroborated by personal observation of an officer).

D. Affidavits

1. The accuracy of the affidavit is vital to the validity of the search warrant. On the designated form, officers shall provide the information listed below. CCP 18.01 requires officers to swear to the facts of the affidavit before a judge or magistrate.
2. The affidavit shall include the following elements:
 - a. A detailed description of the place, thing, or person to be searched.
 - b. A description of the things or persons to be searched for.
 - c. A substantial allegation of the offense in relation to which the search is to be made.
 - d. An allegation that the object, thing, or person to be searched constitutes evidence of the commission of the offense.
 - e. Material facts which would show that there is probable cause for issuing the search warrant.
 - f. Facts that establish probable cause and that the item to be seized is at the location to be searched.

E. Language of the warrant

1. Only the things specified in the search warrant can be seized. The warrant shall specify the areas to be searched and shall be precisely stated. If officers wish to search a home and its surroundings, the affidavit must specify a "premises" search and its curtilage and must identify outbuildings, garages, as appropriate.
2. If motor vehicles to be searched are on the premises, the warrant shall so specify.
3. If searches of specific persons (other than frisks) are to be included during the search, the warrant shall so specify. If the warrant states that all persons present shall be searched, then probable cause to do so must be justified in the affidavit.
4. The items to be searched for shall be precisely described. If an item to be searched for may be dismantled (e.g., firearms), then the warrant must specify the search for parts, pieces, or components of the item.

5. If officers anticipate searching for and seizing computers or similar, complex technology, then experts must be consulted to determine the appropriate language to list in the affidavit and for outlining appropriate guidelines in the warrant for seizure of hardware and software.
6. If time and opportunity permit, the affidavit and warrant should be reviewed by the District Attorney prior to presenting it to a magistrate.
7. If officers believe it is in the best interest of officer safety or that evidence may be destroyed if advanced warning is given and wish to utilize a “no-knock” warrant execution, the reasons for that belief should be clearly explained in the affidavit. The magistrate should be requested to review and authorize the no-knock entry.

VI. PROCEDURES - Executing a search warrant

A. When a search warrant must be executed

1. An officer is required to execute a warrant within the limitations imposed by statute. If it has not been executed during that time, the officer shall void the warrant and return it to the magistrate who issued it.
2. An officer may execute a search warrant either during the day or at night. The time of day selected to execute the warrant should take into consideration the likelihood that specific individuals will or will not be present. (Example: children or elderly.) Officer safety will also be considered in determining when to execute a warrant.

B. Preparing to execute the warrant

1. Before executing the warrant, the lead detective/investigator shall review the warrant and the affidavit and brief the search team officers on the procedures to be followed. The lead detective/investigator shall ensure that the entire warrant process is documented. Written reports shall be supplemented with photographs or videotape, if available and appropriate.
2. All members of the search team shall be in uniform or wear clearly marked attire with “POLICE” in large letters on the front and back.
3. All members of the search team shall wear protective body armor during the execution of all warrants.

C. Gaining entrance to premises

1. Prior to execution of the warrant, the lead detective/investigator shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed. The lead detective/investigator shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.
2. The search team shall first deploy around the premises to be searched, ensuring that all exits are covered. Uniformed officers shall be the most visible members of the search team and shall conduct the initial entry.
3. In most cases the lead detective/investigator shall do all of the following before entering the premises to be searched:
 - a. Announce his/her presence as a law-enforcement officer.
 - b. Announce that his/her purpose is to execute a search warrant.
 - c. Must wait a reasonable time either to be admitted or refused admission to the premises.

4. When entrance is refused

If the lead detective/investigator is refused entrance after a reasonable time, he/she may force his way into the premises using force applicable to the circumstances. "Reasonable time" in this context depends on the circumstances. A refusal may be expressed or implied. A refusal can be implied in two circumstances:

- a. No one has admitted the officer within a time in which it would be reasonable to expect someone to let the officer in if he or she is going to be admitted at all.
- b. The officer waiting to be admitted sees or hears suspicious circumstances, such as flushing toilets or footsteps running away from the door, which indicate that someone might be concealing or destroying evidence or trying to escape.

5. No-knock or exigent entry

In some circumstances a police officer may enter the premises to be searched without announcing his or her presence and purpose before entering. The judicial authority issuing the warrant may add a no-knock entry provision to the warrant. If not, the decision to make a no-knock entry may be made by the lead detective/investigator based on facts that would lead him or her to believe that an announcement would result in:

- a. Bodily harm either to any officer or to someone within the premises to be searched.
 - b. The escape of the person to be searched or arrested.
 - c. The destruction of evidence.
6. If circumstances require a no-knock or exigent entry, then the first officer to cross the threshold into the premises shall announce that law-enforcement officers are executing a warrant. Officers shall also command the occupants to take the appropriate action to ensure their safety, such as "Police, search warrant, get down."

D. Conduct of the search

1. Upon entry, the occupant shall be given a copy of the search warrant.
2. The lead detective/investigator shall ensure that a protective sweep of the site is performed immediately.
3. After the site has been secured, a photographic and/or videotape record of the premises shall be made prior to conducting the search.
4. Once all the evidence being searched for is located, the search must cease at that point.
5. Officers shall not use a search warrant to conduct a fishing expedition, i.e., if the search warrant is for a television, or large item, small places such as jewelry boxes may not be searched.
6. An officer may seize only the property listed in the warrant with two exceptions:
 - a. The other evidence is reasonably related to the offense for which the search warrant was issued.

- b. It is property which the officer knows or has probable cause to believe is evidence of another crime.
- 7. Cash and currency taken as evidence shall be verified by a supervisor and be transported to a separate safe as designated by Department policy.
 - a. Officers should exercise reasonable care in executing the warrant to minimize damage to property. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.
 - b. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.
- 8. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or in the absence of the same, left in a conspicuous location at the site, along with a copy of the search warrant.

E. Searches of persons found on premises

- 1. A person's presence on the premises to be searched with a warrant does not, without more evidence, give rise to probable cause to search that person beyond a frisk for officers' safety.
- 2. A warrant to search the premises for contraband does carry with it the authority to detain the occupants of the premises while a search is being conducted. If the search of the premises gives rise to probable cause to arrest the detainee, he or she may be arrested and his or her person searched incident to arrest.
- 3. A person on the premises may be searched if the officer has probable cause to believe that items listed in the warrant are concealed on the person. Mere presence on premises does not constitute probable cause.

VII. PROCEDURES: High Risk Warrant Execution

- A. A High Risk Warrant is any situation where it is likely that any special obstacle to the safe, effective execution of the warrant is present, the location has been fortified or officers may meet armed resistance and/or deadly force. This suspicion should be corroborated by intelligence information (i.e., CCH, C.I. statements, history of location, Detective's personal knowledge).
- B. High Risk Search Warrants will be conducted only with prior approval of the Chief of Police who will coordinate the entry and securing of the premises.

VIII. PROCEDURES - Return of the search warrant

- A. After the lead detective/investigator has finished a search, he or she shall perform the following:
 - 1. Note the date of execution on the search warrant.
 - 2. Make an inventory of all the property seized and leave a copy with the person in charge of the premises.
 - 3. Within three days following the execution of the search (excluding Saturdays, Sundays, or legal holidays) make return of the warrant to the magistrate who issued the warrant. The following
 - a. The search warrant.
 - b. The affidavit.
 - c. Either the inventory of articles seized or a notation that nothing was seized during the search.
- B. Responsibility for property seized
 - 1. All property seized must follow a rigorous chain-of-custody procedure. Documentation must appear in all narrative reports pertaining to the chain of custody of any items seized. The department evidence tag shall be used to identify all seizures.
 - 2. The lead detective/investigator shall place evidence in the property room or locker reserved for the purpose prior to the end of shift.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 706 Limited English Proficiency	
	Effective Date: 02/01/2023	Replaces:06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Our country has always been a melting pot of cultures. Throughout our history, individuals with limited English proficiency have found it difficult to clearly understand important rights, obligations and services. It is therefore the policy of this department to take reasonable steps to ensure equal access, of all individuals, to the rights, liberties and services of government, regardless of national origin or their primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC § 2000d).

II. PURPOSE

To establish direction in dealing with members of the public who have limited English proficiency.

III. DEFINITIONS

- A. Limited English Proficiency (LEP): Designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes such as reading or writing. Similarly, LEP designations are context specific - an individual may possess sufficient English skills to function in one setting, but these skills may be insufficient in other situations.
- B. Interpretation: The act of effectively listening to a communication in one language and orally converting it to another language while retaining the same meaning.
- C. Translation: The replacement of written text from one language into an equivalent written text of another language.

- D. Bilingual: The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. For purposes of this policy officers, to be identified as bilingual, must initially and periodically demonstrate their proficiency and competency in speaking the two most encountered languages within this geographical area- English and Spanish.
- E. Authorized Interpreter: An officer or other designated individual who is bilingual and has successfully demonstrated such competency and proficiency is authorized to act as an interpreter or translator.

IV. COMMUNICATIONS

A. Receiving and Responding to Requests for Service

1. In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 911 lines as its top priority for language services. The Alamo Heights Police Department will make reasonable effort to promptly accommodate such LEP individuals utilizing 911 lines through any or all of the below resources.
2. While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this department by utilizing the methods listed in Definitions above.

B. Emergency Calls to 911

1. When a 911 call taker receives a call and determines that the caller is an LEP individual the call taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed and the language is known, the call taker should immediately transfer the LEP caller to an available authorized interpreter to handle the call.
2. If an appropriate authorized interpreter is not available, the call taker will promptly contact the contracted telephonic interpretation service directly for assistance in completing the call.
3. Dispatchers will make every reasonable effort to dispatch a bilingual officer to the assignment, if available.

V. FIELD RESPONSE TO LIMITED ENGLISH PROFICIENCY

A. Identification of an Individuals Primary Language

1. Officers may encounter individuals in the field who do not clearly understand spoken English. Officers should be alert to clues that will indicate individuals do not clearly understand the officer.
2. When officers believe an individual does not clearly understand English, the officer will utilize all reasonably available means to determine an LEP individual's primary language in an effort to avoid misidentifying the language and failing to provide adequate service.
3. Officers needing assistance in communicating with the individual will utilize other options including the use of signs and gestures, writing notes, or using others at the scene to attempt to communicate with the individual.
4. Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, is generally not recommended and officers shall make case-by-case determinations on the appropriateness of using such individuals.
5. If further assistance is needed, the officer will contact Communications in order to locate an interpreter.

B. Field Enforcement and Investigations

1. Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Officers must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.
2. Although not every situation can be addressed in this policy, it is important that officers can effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

C. Investigative Interviews

1. In any situation where the translation of an interview may contain information that might be used in a criminal proceeding, it is vitally important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identifying the contact information for any civilian interpreter (e.g., name, contact information) should be documented so that the person can be subpoenaed for trial if necessary.
2. Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

D. Custodial Interrogations and Booking

1. In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, any officer providing interpretation services or translated forms in these situations shall have demonstrated competence and proficiency in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.
2. If time and opportunity exist, the District Attorney should be consulted regarding the proper use of an interpreter prior to any interrogation.
3. In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews shall be made whenever reasonably possible.
4. Officers providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious

diseases, potential illness, resulting symptoms upon withdrawal from certain medications or the need to segregate the arrestee from other prisoners, therefore it is important for officers of this department to make every reasonable effort to provide effective language services in these situations.

E. LEP Contacts and Reporting

Whenever any member of this department is required to complete a report or other documentation and interpretation or translation services are provided to any involved LEP individual such services should be noted in the related report.

VI. DEPARTMENTAL RESPONSE FOR LEP

A. Since there are potentially hundreds of languages department personnel could encounter, the Department has and will continue to utilize the four factor analysis outlined by the Department of Justice in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to individuals within this jurisdiction. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and requires an ongoing balance of the following four factors:

1. The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area.
2. The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services.
3. The nature and importance of the contact, program, information or service provided.
4. The cost of providing LEP assistance and the resources available.

B. As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or on department personnel.

C. While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

D. Types of LEP Assistance to be Provided

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose

to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department provided interpreter services may include but are not limited to the assistance methods described in this section.

E. Bilingual Staff

Officers utilized for LEP services need not be certified as interpreters but must have demonstrated competency and proficiency to ascertain whether the officer's language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions. When bilingual officers of this department are not available, employees from other city departments who have the requisite training may be requested.

F. Written Forms and Guidelines

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to departmental personnel and other appropriate individuals.

G. Telephone Interpreter Services

The Communications Section will maintain a list of qualified interpreter services which, upon approval of a supervisor can be contacted to assist LEP individuals. Such services shall be available to, among others, department personnel who have access to cellular telephones.

H. Community Volunteers and other Interpretive Sources

Where competent bilingual departmental personnel or other city employees are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance.

I. Complaints

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of departmental duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

J. Community Outreach

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

K. Training

In an effort to ensure that all officers in public contact positions (or having contact with those in custody) are properly trained, the Department will provide training to personnel about departmental LEP policies and procedures.

L. Interpreters and Translators

1. Officers called upon to interpret, translate or provide other language assistance, will be trained on language skills competency (including specialized terminology) and ethical considerations.
2. Assessment: Officers identified as bilingual who are willing to act as authorized and to be found proficient in interpreting into and from the target language will be placed on the Authorized Interpreters List.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 707 Communication with the Deaf or Hard of Hearing	
	Effective Date: 02/01/2023	Replaces:06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

It is the policy of this agency to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. This Agency has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. To carry out these policies and legal obligations, and to continue to provide the highest level of services to all members of the community, officers will use every means at their immediate disposal to ensure appropriate understanding by those who are deaf or hard of hearing.

II. PURPOSE

This document outlines the management of communication with individuals who are deaf or hard of hearing.

III. GENERAL PROCEDURES

- A. People who identify themselves as deaf or hard of hearing are entitled to a level of service equivalent to that provided hearing persons.
- B. The Agency will make every effort to ensure that its officers and employees communicate effectively with people who have identified themselves as deaf or hard of hearing.
- C. Effective communication with a person who is deaf or hard of hearing who is involved in an incident -- whether as a victim, witness, suspect, or arrestee -- is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.
- D. Communication problems in police-public encounters provide the basis for potential frustration and embarrassment. Failure of officers to recognize that a person has hearing impairment, or that person's failure to make his or her impairment known to officers, can also lead to critical misunderstandings. To avoid such potentialities, officers shall be cognizant of the following:

1. Be alert to indications that a person may be deaf or have hearing impairment. Such indications include but are not limited to the following:
 - a. The appearance of bumper stickers, rear window decals, or visor notices/symbols indicating the disability
 - b. Use of signs, hand signals, or gestures in an attempt to communicate
 - c. Display of cards by the person noting his or her hearing disability
 - d. Inability or difficulty of a person to follow verbal instruction or requests for information
 - e. A need to see the officer's face directly, suggesting that the person is attempting to lip-read,
 - f. Evidence of assistive devices such as hearing aids, cochlear implants, or picture symbols
 - g. Evidence of behaviors such as increased agitation or irritability, low frustration levels, withdrawal, poor attention, or impaired equilibrium.
 2. When dealing with persons who are, or who are suspected of being, deaf or who have hearing impairment, officers shall never assume that the person understands until it can be confirmed by appropriate responses to questions or directives.
 3. Once someone is identified as a deaf or hearing-impaired person, officers shall determine by written or other forms of communication the person's preferred means of communication—sign language, reading and note writing, or speech.
 4. For persons who use sign language, a family member or friend may interpret under emergency conditions or, in minor situations, for the sake of convenience, when an interpreter is not available or required by law. In all other situations, officers shall not rely on family members or friends for sign language interpretation due to their potential emotional involvement or conflict of interest.
 5. Officers shall test comprehension by seeking appropriate responses to simple questions or directives. Deaf or hard-of-hearing persons may require additional time to understand and respond to commands, instructions, and questions.
- E. Various types of communication aids - known as "auxiliary aids and services" - are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or typewriter; or use of qualified oral or sign language interpreter.
- F. The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.

- G. In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, or use of a computer or typewriter may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading. For example:
1. If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.
 2. If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively and a sign language interpreter is often not required.
- H. To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need. Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.
- I. The Agency is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question, or if it would cause an undue administrative or financial burden. Only the Agency head or his or her designee may make this determination.
- J. The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand -- and are understood by -- all those involved, including persons who are deaf or hard of hearing.
- K. People who are deaf or hard of hearing must never be charged for the cost of an auxiliary aid or service needed for effective communication.

IV. ON-CALL INTERPRETIVE SERVICES

- A. This Department will contact the San Antonio Police Department to assist with qualified interpreters as needed.

- B. A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality. Additionally, although a “qualified” interpreter may be certified, a certified interpreter is not necessarily “qualified,” if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be “qualified.”
- C. In cases where a deaf or hard of hearing individual may be charged with a serious crime, the District Attorney should be consulted for appropriate determination of the interpretive services required prior to any interview or interrogation.

V. ARREST SITUATIONS

- A. Recognizing that some persons need their hands free in order to communicate, unless absolutely necessary for the safety of officers or others, the use of handcuffs shall be avoided if possible. If handcuffs are required, all essential communication with the suspect should be completed prior to their application if possible.
- B. Deaf persons and persons who have severe hearing impairments often have reduced verbal communication skills, speech that may be incoherent or otherwise resemble that of an individual who is intoxicated, and difficulty with equilibrium. As such, officers shall avoid administering standard field sobriety tests to such persons. Breathalyzer, blood alcohol, or horizontal gaze nystagmus should be employed as alternative tests.
- C. Some deaf and hearing-impaired persons have limited written language skills, particularly involving difficult matters such as legal warnings and admonitions. Therefore, officers shall not assume the effectiveness of this form of communication and should gain confirmation of a person’s understanding whenever possible.
- D. Officers shall ensure that deaf and hearing-impaired persons who are arrested and transported to a booking site have their communication devices with them.

VI. TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY

Officers must review and have a working knowledge of Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hard of Hearing. This document reviews how officers should communicate effectively in the types of situations officers will encounter. These situations include:

1. Issuing a non-criminal or motor vehicle citation. –
2. Communicating with a person who initiates contact with an officer.
3. Interviewing a victim or critical witness to an incident.
4. Questioning a person who is a suspect in a crime.
5. Making an arrest or taking a person into custody.
6. Issuing Miranda Warnings to a person under arrest or in custody.
7. Interrogating a person under arrest or in custody.

[This guide is available on line at <http://www.ada.gov/lawenfcomm.htm>]

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 710 Prisoner Restraints	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

The officer's responsibility for the safe custody of prisoners permits some discretion in the use of handcuffs and restraining devices. The Department requires officers to observe their own safety and that of the people they transport by carefully utilizing restraints on prisoners (except children) who must be taken to a jail or other location.

II. PURPOSE

To establish guidelines for the use of handcuffs and other restraining devices.

III. PROCEDURES - Arrested Persons

A. General

1. Officers shall handcuff all arrested adults unless the application of handcuffs will aggravate or cause injury due to age, infirmity, physical condition or prior injury. If a prisoner is not handcuffed, they shall be transported in a vehicle with a prisoner cage and two officers shall conduct the transport. Officers must be able to justify exceptions without unduly risking safety.
2. Juveniles should not be handcuffed unless they have been taken into custody for a violent offense, pose an escape risk, or where the officer reasonably believes handcuffing is necessary for the safety of the juvenile or officer.

B. Handcuffs

1. In most circumstances safety concerns mandate that arrested subjects should be handcuffed. Officers must be able to justify exceptions without unduly risking safety. Some possible exceptions are:
 - a. Children under 10 years of age;
 - b. Pregnant females;
 - c. Handicapped or disabled suspects; or
 - d. Elderly suspects.

2. Normally, officers shall handcuff a subject with the hands in back, but he may choose to handcuff hands in front due to the suspect's handicap or disability. If handcuffed in the front, officers should attempt to secure the handcuffs to the body by use of a belt if possible.
3. When a suspect is handcuffed, officers should double lock the handcuffs. This will help ensure prisoner and officer safety. Double locking reduces the chance of picking the lock or of the handcuff accidentally tightening, further restricting circulation.
4. Officers shall apply the handcuffs according to recognized professional standards, always striving to avoid hard strikes to wrists with handcuffs and over-tightening of handcuffs.
5. Individuals will not be handcuffed to any portion of a police vehicle during transport or to any fixed object.

C. Ankle Shackles

Ankle shackles shall be used by officers when transporting any prisoner they have reason to believe might be an escape risk or when circumstances deem it appropriate.

D. Plastic Handcuffs

Plastic handcuffs shall be used when officers take several prisoners into custody, or when a prisoner requires multiple restraints. Officers must understand that, once applied, plastic handcuffs can only be removed with a knife, scissors, or other cutting instrument.

E. Hobble Technique

1. The hobble technique refers to the use of a hobble device to secure a prisoner's feet while in transport in a police car. It involves looping a rope around the prisoner's ankles and then extending the other end of the device onto the door jam and then shutting the door, thus holding the prisoner's feet in place.
2. The hobble device should only be applied to a prisoner's legs when the officer feels that the prisoner poses an imminent threat of physical harm to himself or another with the use of his feet or legs, or when the prisoner attempts to damage the inside of the patrol car during transport.

IV. PROCEDURES - Persons not arrested

- A. If officers have a reasonable suspicion that an individual has been involved in a violent offense, handcuffs may be applied to potential suspects while officers investigate an incident. Officers should be able to articulate the reasons for their safety concern. Persons not arrested but who are subject to investigative detention may be restrained under the following circumstances.
1. Suspects shall be handcuffed only as long as necessary to accomplish the investigative goal.
 2. Handcuffing of suspects shall be accomplished with minimal discomfort to the suspect.
 3. Officers shall limit the number and type of restraints used on the suspect to what is reasonably necessary to accomplish the investigation.
- B. If an individual is handcuffed or otherwise restrained for officer safety reasons during an investigation and later released, officers shall document their actions on an offense or incident report, and include the reasons officers handcuffed the individual, the approximate length of time of the restraint, and the results of the investigation.

V. SPECIAL CIRCUMSTANCES

A. Restraint prohibitions

1. As soon as any suspect who is lying on his or her stomach has been handcuffed, officers shall roll the prisoner onto his or her side, or place the prisoner in a sitting position. Prisoners shall never be transported in a prone, face down position.
2. Officers are prohibited from placing a prisoner in a prone position with the hands and ankles bound together, in any fashion, from behind (hog-tying).
3. If a combative prisoner is placed on the ground, officers are prohibited from putting any weight on the prisoner's head, neck or chest. The prisoner shall not be kept in the face down position. If more control is required, additional officers will be utilized to control the prisoner's actions.

4. Intoxication, recent use of drugs or alcohol, the presence of a head injury, obesity, physical disability, and recent exertion are all circumstances that can increase difficulty of breathing when restrained. All prisoners will be monitored during custody and transport for indications of medical problems and medical treatment obtained if required.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 711 Prisoner Transportation	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	

I. POLICY

Transportation of persons in custody is a constant requirement and a frequent activity. Transportation usually occurs in two instances. The first is immediately after arrest when the arrestee is taken by the arresting officer for booking. The second concerns the movement of prisoners from the detention facility, such as the county jail, to a hospital, to court, or for other reasons. Transporting prisoners is a potentially dangerous function. Therefore, it is the policy of this law enforcement agency to take the precautions necessary while transporting prisoners to protect the lives and safety of officers, the public, and the person in custody.

II. PURPOSE

The purpose of this policy is to establish procedures to ensure that prisoners are transported safely.

III. PROCEDURES

A. General

1. Unless no other type of vehicle is available, all prisoners shall be transported in secure, caged vehicles.
2. A maximum of two (2) prisoners may be transported by a single unit officer in a patrol unit, provided that the patrol unit is equipped with a cage. In cases where there will be more than two (2) prisoners being transported, additional patrol units will be required to make the transportation.
3. In no case shall a juvenile known or believed to be under the age of 17 years be transported with adults suspected of or charged with criminal acts.
4. When picking up a prisoner from any facility, the officer shall verify the identity of the prisoner.
5. The transporting officer shall obtain from the custodian of the prisoner any paperwork, property, or medical records that should accompany the transfer of the prisoner.

B. Searching the prisoner

1. The transporting officer shall always search a prisoner before placing him or her into the vehicle. Officers must never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner. The transporting officer shall conduct a search of the prisoner each time the prisoner enters custody of the officer.
2. When handling and searching prisoners, officers shall remain mindful of the Department's infectious diseases exposure control plan and shall use personal protective equipment when necessary.
3. Any items of a non-contraband nature will be removed from the prisoner prior to transport will be securely maintained and returned to the prisoner or turned in to the booking officer upon arrival at the location of detention for placement in the prisoner's property.

C. Searching the police vehicle

The transporting officer shall search the vehicle immediately before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. Further, after delivering the prisoner to his or her destination, officers shall again search the police vehicle to ensure that the prisoner did not hide contraband or other evidence.

D. Transport equipment

1. Most marked vehicles are equipped with specially designed prisoner cages which separate the front and rear compartments. Only these vehicles will be used in all prisoner transports in order to prevent prisoner access to the driver's compartment.

E. Positioning of prisoners in the transport vehicle

1. When an officer transports a prisoner in a caged vehicle, the prisoner shall be positioned in the rear seat and secured with seat belts. Prisoners shall be handcuffed with their hands behind their backs, palms outward.
2. Officers shall not transport prisoners who are restrained in a prone position, to prevent the increase of risks of medical complications- such as Excited Delirium.

F. Control of prisoners while transporting

Observation and Medical Assistance

1. During custody and transportation, officers shall continually observe the prisoner.
2. If a prisoner appears lethargic, particularly after an active confrontation with officers, or appears unresponsive, immediate medical help may be necessary. Observe the suspect carefully and if the officer is in any doubt about the prisoner's health, summon medical assistance immediately. Officers should ask an apparently ill prisoner if he or she wishes medical assistance.
3. The transporting officer shall advise the receiving officer or deputy of any medical conditions of the prisoner, or any suspicions or concerns about the prisoner's medical or mental health state.
4. Prisoners shall not be left unattended at any time during transport with the exception of situations in Section G. below.

G. Stopping to provide law enforcement services while transporting

1. When transporting a prisoner, the transporting officer shall provide law-enforcement services only when:
 - a. A need exists for the transporting officer to act immediately in order to stop or prevent a violent act and prevent further harm to a victim.
 - b. A person has been injured and assistance is required immediately.
 - c. If at all possible, the officer will make contact with communications and request the particular agency jurisdiction to respond to the scene.
2. In all of the above situations, the transporting officer shall ensure at all times that the prisoner is secured and protected.
3. Under no circumstances shall an officer transporting a prisoner engage in a pursuit.

H. Escape

If a prisoner escapes while being transported, the transporting officer shall observe the following procedures.

1. Request assistance immediately from the jurisdiction the officer is in at the time of the escape. The transporting officer shall immediately provide dispatch with the following information:
 - a. Location.
 - b. Direction and method of travel, and means of escape.
 - c. Name, physical description of escapee.
 - d. Possible weapons possessed by the escapee.
 - e. Pending charges.
2. Try to recapture the escapee as soon as possible.
 - a. The transporting officer shall submit a written report to the Chief of Police as soon as practicable explaining the circumstances of the escape.
3. Prisoner communication
 - a. The transporting officer shall not allow prisoners to communicate with other people while in transit unless the situation requires it. The officer shall use his or her judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

I. Arrival at destination

When transporting prisoners from one facility to another, upon arriving at the destination, the transporting officer shall observe the following procedures:

1. Firearms shall be secured in the designated place at the detention facility being entered. If there are none, secure firearms inside the locked trunk of the police vehicle. Extra magazines, impact weapons, knives and chemical weapons shall also be secured before entering the facility.
2. Restraining devices shall be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.

3. The proper paperwork (booking sheet, arrest report, property form, etc.) shall be submitted to the receiving facility and, in situations that require it, the officer shall ensure that proper signatures are obtained on paperwork to be returned to the Department.

J. Sick/injured prisoners and medical facilities

1. At any time before, during, or after the arrest that the prisoner is injured or becomes sick, the officer shall seek medical attention immediately by calling for EMS. Any needed medical attention shall be obtained before transporting the prisoner to the jail if the injury/sickness happens before arrival there. (TBP 10.12)
2. The transporting officer shall use discretion in applying restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be incapacitated, restraining devices may not be appropriate. As a rule, do not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.
3. If the prisoner refuses treatment, the prisoner shall be asked to sign a Medical Refusal or notation of such on a hospital release form. Have the attending physician or a nurse sign the form as witnesses. If the prisoner refuses to sign the form, obtain two witnesses to the refusal (hospital staff, another officer, or fire/rescue personnel). The form must be given to the jail during booking.
4. If the prisoner must be admitted to the hospital, the officer shall release the prisoner only after consulting the on-duty supervisor. The supervisor shall observe the following procedures to ensure control of the prisoner:
 - a. If the prisoner is admitted and the prisoner was arrested for a felony, arrange for guards. Request the presence of a magistrate and arrange for the magistrate's transportation to the hospital so that bail can be set.
 - b. Assist the magistrate in arraigning the prisoner, if necessary, or stand by while the magistrate issues a warrant.
 - c. Serve the warrant if one has been issued. If the magistrate will not release the arrestee on personal recognizance, then maintain the guard until the prisoner makes bond or the case is filed. When the case is filed attempt to transfer responsibility to the Sheriff's Office.
 - d. Until relieved by the Sheriff's Office, the supervisor shall brief every officer on the duties of guards and shall ensure that guards have radios.

- e. The supervisor shall ensure that guards are checked periodically and relieved as necessary until Sheriff's deputies relieve them.
- f. The prisoner shall be kept under observation at all times and, normally, restraining devices shall be used. Officers shall consult with medical personnel concerning the use of restraining devices.

K. Special transport problems

1. Transport of prisoner by officer of different sex than prisoner.
 - a. When transporting a prisoner of one sex by an officer of another sex, an additional officer may be requested to accompany the transport.
 - b. At a minimum the transporting officer shall:
 - i. Contact the dispatcher by radio and request that the time and odometer mileage be logged.
 - ii. Go directly to the destination by using the shortest practical route.
 - iii. Turn the on-board video system on making sure the cabin microphone is enabled. When completed, upload the video clip onto the video server under applicable case number.
 - iv. Upon arrival at the destination, contact the dispatcher by radio and request that the time and the odometer reading be logged.
2. Transportation of dangerous/security-risk prisoners.
 - a. When a prisoner is considered dangerous or a security hazard, the receiving agency or the Sheriff's courtroom security personnel shall be notified before the transport takes place in order to plan how best to minimize any chance of escape, or injury to the prisoner or anyone else.

L. Prisoner with disabilities

1. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport conveniently, comfortably, and safely for both the prisoner and the officer. The officer may request the dispatcher to contact the fire department or ambulance for assistance in transporting. The transporting officer shall take whatever special equipment or medicine is necessary for the prisoner.

2. With a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or officer exists, then restraining devices may be inappropriate.
3. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.

M. Restraining devices

1. When prisoners are restrained during transport, the following procedures shall be followed unless circumstances require an alternate method.
 - a. A single prisoner shall be handcuffed with both hands behind his or her back.
 - b. Leg and waist belt restraints may also be used in order to minimize the risk of injury or escape.
 - c. Under no circumstances shall a prisoner be handcuffed to a part of the transport vehicle itself, such as the floor post, protective screen barrier, etc.
 - d. Officers shall use ankle shackles or plastic handcuffs to immobilize legs when transporting any prisoner that might pose an escape risk.
 - e. The hobble device should only be applied to a prisoners legs when the officer feels that the prisoner poses an imminent threat of physical harm to himself or another with the use of his feet or legs, or when the prisoner attempts to damage the inside of the patrol vehicle car during transport.

N. Documentation

Officers shall video as well as document all prisoner transports and shall note any unusual circumstances or events in the arrest report. Officers shall document the circumstances of any apparently ill or injured prisoners and their medical treatment. Officers will give names (and badge numbers, as appropriate) of personnel from and to whom the prisoner was released or transferred.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 712 Juvenile Procedures	
	Effective Date:02/01/2023	Replaces:06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

The Department's interests concerning juvenile offenders reflect those of the community: to prevent and control juvenile delinquency. The Department expects officers to handle juveniles consistent with common sense and the dictates of state law. The Department's policy includes the identification, apprehension, and conviction of juveniles charged with crimes. Accordingly, officers may handle errant juveniles informally, particularly status offenders, those in need of protection, and those suspected of committing minor criminal offenses. In case of minor or status offenses, officers should divert juveniles from the formal criminal justice process, and instead choose community referral.

II. PURPOSE

To establish guidelines and procedures for handling juveniles who are in need of protection, in violation of status offenses and those charged with criminal offenses.

III. DEFINITIONS

- A. Child (Juvenile): A person who is ten years of age or older and less than seventeen years of age.
- B. Conduct in Need of Supervision: Conduct, other than a traffic offense, that violates the penal laws of the state punishable by fine only, or violations of municipal ordinances, failure to attend school, and runaway.
- C. Delinquent Conduct: Conduct, other than a traffic offense (except DWI) that violates the penal laws of this state or the United States punishable by imprisonment or confinement in jail.
- D. Delinquent child: A child who has committed a delinquent act or an adult who had committed a delinquent act prior to his or her 17th birthday.

- E. Intake officer: A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert the juvenile from the criminal process, or petition the court. An intake officer is normally a juvenile probation officer.
- F. Juvenile Court: The Court designated under Family Code 51.04 to exercise jurisdiction over juvenile proceedings within the county. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.
- G. Referral to Juvenile Court: The referral of a child's case to the official, including the intake officer, designated by the Juvenile Board to process children within the Juvenile Justice System.
- H. Status Offender: A juvenile who is charged with an offense that would not be a crime if committed by an adult.
- I. Responsible Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is responsible for the physical custody of a juvenile or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume that responsibility.
- J. Juvenile Processing Office: The office or location within the Police Department or school facility, approved by the Juvenile Court, for the temporary detention of juveniles while officers complete required activities prior to releasing the juvenile to a parent or transferring the juvenile to the Juvenile Detention Center.

IV. PROCEDURES – General

A. Overview

1. All members of the department shall cooperate with juvenile justice authorities and their support activities.
2. Juveniles have all the same constitutional rights as do adults and all requirements for protection of those rights apply to juveniles as well as adults. Additional rules are prescribed by the Texas Family Code. All department personnel are responsible for following the Family Code and this order.

B. Handling of juvenile offenders - general

1. A juvenile offender shall be handled with firmness and respect.

2. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record. The juvenile justice system emphasizes confidentiality of records and the privacy of an adjudicatory hearing. Where appropriate, officers shall reasonably try to keep juveniles out of the criminal justice system.
3. All investigative detentions and enforcement actions involving juveniles will be documented, either by use of a written warning, citation, or incident report. If a written warning or citation is issued and the circumstances of the contact are recorded on the form, no incident report is required. If no written warning or citation was issued, an incident report will be generated to document the contact and actions taken. If possible, all contacts with juveniles will be recorded as best possible on the in-car audio/video system.

C. Authority for Taking a Child into Custody

1. Section 52.01 of the Family Code allows police officers to take children into custody:
 - a. Pursuant to an order of the Juvenile Court;
 - b. Pursuant to the laws of arrest;
 - c. For conduct which violates a penal law of this state or a municipal ordinance;
 - d. For Delinquent Conduct or Conduct Indicating a Need for Supervision, including truancy and runaway;
 - e. Pursuant to a Directive to Apprehend.
2. The section also authorizes officers to release a juvenile with a warning in lieu of custody. If the child is released with a warning it is necessary to forward a copy of the warning to the parent.
3. In making the decision to handle the juvenile either informally with a warning or formally by referral to the Juvenile Court, the officer shall consider the following:
 - a. Seriousness of offenses.
 - b. Prior record of child.
 - c. Child's age.
 - d. Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated.
 - e. Degree of wrongful intent, violence, premeditation, knowledge of violation.

D. Enforcement Alternatives

1. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Alternatives that may be considered include the following, listed in order of severity:
 - a. release without further action, release with verbal warning, referral to parents or responsible adult, or informal counseling with contact of parents or responsible adult;
 - b. field release with written warning or citation, arrest under non-secure custody, and release to parents with or without referral to Juvenile Court or First offender Program; and
 - c. arrest and secure custody, with transfer to detention and referral to Juvenile Court.
2. Enforcement criteria for the use of these alternatives is provided below.
3. Even when a juvenile is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation.
4. In all cases where a juvenile is believed to have committed a violation, regardless of the disposition, officers shall make every reasonable attempt to notify parents or guardians and inform them of the circumstances of the contact.

V. ENFORCEMENT CRITERIA

- A. The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents.
 1. Release without further action, release with verbal warning, referral to parents or responsible adult, or informal counseling with contact of parents or responsible adult.
 - a. Appropriate in incidents where no violation was determined or where the violation was very minor and officers explained the law and consequences.
 - i. No property damage or personal injury was involved
 - ii. No prior record
 - iii. May include contact with parent if appropriate. Examples of these incidents include, but are not limited to curfew violations, minor liquor law violations, and disorderly conduct.

- b. If a non-traffic citation is issued, the juvenile's parents may be contacted by called to the scene and advised of the offense and disposition. If the parents cannot be contacted, an attempt to make contact with another responsible adult guardian- Aunt, Uncle, Grandparents, etc- to notify and call to the scene.
 - c. If officers detain a juvenile for a non-traffic offense and decide not to issue a warning or citation, officers shall complete an incident report.
 - 2. Field release with written warning or citation, arrest under non-secure custody and release to parents with or without referral to Juvenile Court or First Offender Program.
 - a. Officers may elect to transport the youth home, make personal or telephone contact with the youth's parents or guardians to provide them with information and counseling on their child's actions, or take the youth into custody and transport the youth to the Juvenile Processing Office until he is released to a parent or guardian.
 - i. Appropriate when the nature of the incident is of a more serious or potentially serious nature than in section 1 above;
 - ii. there was property damage or minor injury not amounting to a felony;
 - iii. the youth involved is fully aware of the seriousness or potential seriousness of his actions and/or is acting in alliance or collusion with others to commit such acts;
 - iv. the youth fails to cooperate or to positively respond to police intervention and direction;
 - v. the youth's parents or responsible adult have apparently failed to provide appropriate control and supervision.
 - b. Officers may elect to file a referral to the Juvenile Court depending on the nature of the offense and prior history of the offender.
 - 3. Arrest and secure custody, with transfer to detention and referral to Juvenile Court. Officers may file delinquency charges against a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited as examples in section 2 above.
 - a. Officers should file delinquency charges against juveniles when they commit:
 - i. acts that if committed by an adult would be felonies;
 - ii. delinquent acts involving deadly weapons;
 - iii. serious gang-related offenses;
 - iv. delinquent acts involving serious assault;
 - v. delinquent acts while on probation or parole or when they have charges pending against them;
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- vi. delinquent acts as repeat offenders or when they have refused to participate in diversion or intervention programs; or
 - vii. when it has been determined that parental or other adult supervision is ineffective.
4. Status Offenses. Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile and other relevant factors, an officer may release a juvenile to his parents, guardian or other responsible adult.
- a. Juveniles taken into custody for status offenses should normally be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer or others.
 - b. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.
 - c. Juveniles taken into custody for status offenses shall be held in non-secure custody as provided by state law and for the briefest time necessary to conduct identification, investigation and related processing requirements to facilitate their release to a parent or responsible adult or transfer to a juvenile facility.
 - d. Any juvenile taken into custody for status offenses shall not be held longer than three hours (3 hours) without the approval of a supervisor.
 - e. Transportation of a juvenile in a caged vehicle is not considered secure custody.
 - f. Status offenders and other juveniles taken into temporary non-secure custody for status offenses should not be fingerprinted or photographed for purposes of record.
 - g. Status offenders in temporary custody shall not be placed in a processing area with adult suspects and shall also be under constant visual supervision.

VI. JUVENILE PROCESSING

A. Searching and Transportation of juveniles

1. No juvenile under 17 shall be transported in the same vehicle with adults suspected of or charged with criminal acts.
2. Juveniles are searched and transported in the same manner as adults in compliance with Terrell Hills Police Department policy regarding prisoner transportation.
3. Juveniles are typically not handcuffed unless they have been taken into custody for a violent offense, pose an escape risk, or where the officer reasonably believes handcuffing is necessary for the safety of the juvenile or officer.

B. Actions when taking a juvenile into Custody

1. A person taking a child into custody shall advise the juvenile of his/her constitutional rights when appropriate.
 2. Without unnecessary delay and without first taking the child elsewhere, the officer does one of the following:
 - a. Release the child to his parent, guardian, custodian, or other responsible adult upon that person's promise to bring the child before the Juvenile Court when requested by the court;
 - b. Bring the child to a Juvenile Processing Office designated by the Juvenile Court;
 - c. Bring the child before the office or official designated by the Juvenile Court;
 - d. Bring the child to a medical facility if the child is believed to suffer from a serious physical condition, illness, injury or mental condition that requires prompt treatment;
 - e. Referral of the child and/or parent, guardian or custodian to the appropriate social agency;
 - f. In cases of truancy, the child is immediately returned to the proper school official within the appropriate public or private school;
 - g. Take the juvenile into protective custody if the officer believes the juvenile is in danger of harm; or
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h. Release the child with no further action pending.

C. Notifications:

1. The arresting officer shall promptly notify the juvenile's parents or guardians of the fact that the child has been taken into custody. In the case of protective custody, the notice must be written as prescribed by the Texas Family Code.
2. Notification of the parents or attempts at notification shall be documented in the arrest report.

D. Designated Juvenile Processing Area: (TBP 10.03)

1. A juvenile may be detained in a holding area certified by the Juvenile Court. The Terrell Hills Police Department Interview Room, and the Terrell Hills Situation/Meeting Room have been approved as Juvenile Processing Offices.
2. Juveniles are detained under the following conditions:
 - a. At no time is a juvenile placed in a jail cell designated for the holding or incarceration of an adult.
 - b. At no time will a juvenile who is in custody be left unsupervised in the juvenile holding area.
 - c. All juveniles held in the Juvenile Processing Office are out of sight and sound of adult prisoners.
 - d. No juvenile is held in custody longer than is reasonable to conduct an investigation, prepare a case, or to await the arrival of a parent or guardian.
 - e. At no time will a juvenile be held in the Juvenile Processing Office longer than three hours. If not otherwise released, the juvenile will be taken to the Juvenile Detention facility within three hours of an arrest.

E. Taking a Runaway into custody

When probable cause exists that a juvenile has run away from home, the officer shall perform the following:

1. Verify status as runaway.

2. Take the child into custody.
3. Release the juvenile to a parent, guardian, legal custodian, or other person acting for a parent. If a parent cannot be located, take the juvenile to the juvenile processing office and make contact with the Juvenile Detention Center Intake Officer for instructions.
4. The Juvenile Processing Office may not be locked when holding status offenders. An officer will remain with the juvenile until disposition is made.
5. Notify Communications to remove the runaway report from the computer system
6. In any event, officers shall complete incident reports for any runaways taken into custody.
7. Out-of-town runaways, take the child into custody and verify runaway status with the other jurisdiction. If a detention order is on file, follow the instructions for serving a detention order.
 - a. Notify the intake officer of the juvenile court of the action taken. The intake officer will then determine what the next step will be. The officer shall:
 - i. Follow the intake officer's instructions for detention or child placement.
 - ii. Notify parents that the child is in custody.
 - iii. If the child is to be released and the parents cannot respond within a reasonable period of time, then the juvenile will be detained at the juvenile detention facility.

F. Taking a Truant into Custody

1. When custody occurs because a juvenile is a reported truant by school officials, the juvenile shall be taken into custody and delivered to the appropriate school personnel and released.
 2. The officer shall complete an incident report which includes the name of the person notifying the parent of the truancy and the name of the person to whom the juvenile was released.
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VII. PROTECTIVE CUSTODY

A. A law enforcement officer may take protective custody of a child without a court order for the following reasons and no others:

1. Upon discovery of a child in a situation of danger to the child's physical health or safety when the sole purpose is to deliver the child without unnecessary delay to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is presently entitled to possession of the child.
2. Upon the voluntary delivery of the child, by the parent, managing conservator, guardian, caretaker, or custodian who is entitled to possession of the child.
3. Upon personal knowledge of facts which would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or writ.
4. Upon information furnished by another which has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or writ.
5. Upon personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a temporary restraining order or writ.
6. Upon information furnished by another that has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a temporary restraining order or writ.

B. Emergency Treatment For Juveniles

1. In the absence of the responsible parent or guardian, police officers are expected to immediately take custody of any juvenile found to be in need of emergency medical care and to see that the juvenile is taken to an emergency hospital for treatment.

C. Procedures To Take Custody Of The Juvenile

1. When it is found that a juvenile has been injured or is ill to the extent that immediate emergency care is necessary to protect the physical well-being of the juvenile and no responsible parent or guardian can be found, the below listed procedures are followed to obtain the necessary medical care in an expedient manner:
 - a. The officer takes custody of the juvenile either in person or requests an ambulance and orders the juvenile taken to the nearest emergency hospital.
 - b. The officer utilizes all available resources to immediately contact a parent or guardian (school officials, etc).
 - c. The officer then causes the immediate notification of the Child Protective Services office of the circumstances at hand and furnishes the Child Protective Services office the following information:
 - i. Name, race, and date of birth of the juvenile,
 - ii. Parent's name and address if available,
 - iii. What hospital the juvenile has been taken to,
 - iv. What efforts have been made to contact the child's parents or guardian.
2. Follow-Up Investigation:
 - a. The officer conducts a follow-up investigation at the receiving hospital, being sure to explain the circumstances at hand to the proper hospital representative.
 - b. The Terrell Hills Police Detective is available to take over hospital follow-up investigations when it becomes apparent that such investigations will be lengthy or complex.
 - c. The Terrell Hills Police Detective will follow-up if it becomes apparent that the child's injury is due to criminal conduct on the part of any person.

D. Persons Who May Consent To Medical Treatment:

The Texas Family Code allows any of the following persons to consent to medical, dental, psychological, and surgical treatment of a child when the person having the right to consent as otherwise provided by law cannot be contacted and that person has not given actual notice to the contrary:

1. A grandparent, adult brother or sister, adult aunt or uncle of the child; an educational institution in which the child is enrolled that has received written authorization to consent from the person, an adult who has actual care, control, and possession of the child and has written authorization to consent from the person having the right to consent.
2. A peace officer who has lawfully taken custody of a minor, if the peace officer has reasonable grounds to believe the minor is in need of immediate medical treatment, or
3. Any court having jurisdiction over the child.

VIII. INVESTIGATIVE PROCEDURES

A. Custodial Interrogation Of Juveniles

1. Custodial interrogation of juveniles by Department employees shall adhere strictly to procedural requirements established by the Texas Family Code and relevant court rulings.
2. The custodial officer or an investigator interviews the juvenile. The officer explains to the juvenile the procedures that will relate to their case. The officer or detective may, at their discretion, allow other persons to be present during the interview. An attorney representing the child is allowed if requested.
3. The interrogation of a juvenile is completed within a reasonable time or terminated if the juvenile requests the interrogation be terminated.

B. Written Confessions/Statements:

Officers will follow the procedure outlined below while taking written statements/confessions from juveniles:

1. Written confessions are taken in compliance with the Texas Family Code.
2. A magistrate, outside the presence of law enforcement officers, first warns the juvenile.
3. An officer then obtains and completes the typed or handwritten statement, but leaves the statement unsigned.
4. The officer then returns the juvenile and the statement to the magistrate.
5. The magistrate will review the statement with the juvenile outside the presence of law enforcement officers.
6. The juvenile is then allowed to sign the statement in the magistrate's presence.

C. Fingerprinting And Photographing Juveniles:

1. Fingerprints and photographs of juveniles are maintained separately from those of adults.
2. Fingerprints and photographs of juveniles are destroyed as directed by the Texas Family Code.
3. Fingerprints are taken to comply with state reporting requirements. All juveniles placed in custody for cases classified as class “B” misdemeanor or higher are fingerprinted, photographed at the Bexar County Juvenile Detention Center, and such kept in their files and also in the State files.
4. If latent fingerprints are found during the investigation of a case and the law enforcement officer has probable cause to believe that they are those of a particular child, unless otherwise prohibited by law, the officer may fingerprint the child regardless of the age or case for purpose of immediate comparison with the latent fingerprints.
5. Disposition of Fingerprints Taken: If the comparison is negative the fingerprint card and other copies of the fingerprints taken are destroyed immediately. If the comparison is positive and the child is referred to the Juvenile Court, the fingerprint card and other copies of the fingerprints are filed locally and with the State. If the child is not referred to the Court the fingerprints taken are destroyed immediately.

D. Required Notification of Schools

1. Officers who arrest or take into custody an individual who, because of age, may be enrolled in a primary or secondary school, as provided by Chapter 52, Family Code shall;
 - a. Attempt to determine if the individual is a student.
 - i. If the individual is known to or believed to be enrolled in a school mentioned above, and
 - ii. The child’s alleged offense is an offense under section: 19.02, 19.03, 19.04, 19.05, 20.02, 20.03, 20.04, 21.08, 21.11, 22.01, 22.011, 22.02, 22.021, 22.04, 22.05, 22.07, 28.02, 29.02, 29.03, 30.02, or 71.02, Penal Code, or
 - iii. The Unlawful Use, Sale or Possession of a Controlled Substance, Drug Paraphernalia, or Marijuana, as defined by Chapter 481, Health and Safety Code; or

iv. The Unlawful Possession of any of the Weapons or Devices listed in Section 46.01(1)-(14) or (16), Penal Code; or a Weapon listed as a Prohibited Weapon under Section 46.05, Penal Code; or

v. Any felony offense.

b. If the individual meets these requirements the investigator assigned shall give oral notification to the Superintendent or the designee of the public school district within 24 hours after the arrest of detention of a child, or on the next school day.

c. Written notification shall be mailed within seven (7) days after the date of oral notification to the appropriate afore mentioned school official, marked "Personal and Confidential" on the mailing envelope.

2. The complete text of this responsibility is found in Article 15.27 Code of Criminal Procedures.

E. Juvenile Records

All juvenile records are maintained separately from adult records and are stored securely in the Records Section.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 713 Family Violence and Protective Orders	
	Effective Date:02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

The Terrell Hills Police Department assigns domestic or family violence (domestic disturbance) calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership in the community in responding to domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, officers responding to a domestic disturbance call shall (1) restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); and, (4) help participants contact appropriate agencies to help prevent future occurrences.

II. PURPOSE

To define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, describe measures to end violence and protect victims.

III. DEFINITIONS

A. Assault

Intentionally, knowingly, or recklessly causes bodily injury to another including the person's spouse or threatens to cause imminent bodily injury to another including the person's spouse. This definition is not all inclusive as family violence may also entail aggravated circumstances, sexual assault, as well as other offenses. See Chapter 22 and 25 of the Texas Penal Code.

B. Domestic violence shelters/programs

Services are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.

C. Family abuse

Any threat or act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person's family or household member.

D. Family or household member

1. Spouses, whether or not residing in the same home.
2. Former spouses, whether or not residing in the same home.
3. Persons who have a child in common, whether or not they have ever been married or resided together.
4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters half-brothers and half-sisters regardless of whether they reside in the same home with the suspect.
5. Parents-in-law, children-in-law, brothers- and sisters-in-law regardless of whether they reside in the same home with the suspect.
6. Persons, whether or not related, who cohabit or who previously cohabited with the suspect, and any children of either who then resided in the same home as the suspect.
7. Refer to Sections 71.003, 71.004, and 71.005 of the Family Code.

E. Protective order

A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, provide temporary child support, plus other measures. A protective order may be valid up to two years.

F. Types of Protective Orders:

1. Emergency Protective Order
2. Protective Order
3. Temporary Ex Parte Orders: an order that is issued without the person who committed family violence present; a person subject to an order (the actor) who violates an ex parte order may not be arrested unless it is established the actor had been served with the order prior to the commission of the act(s) violating the order. In the event that an officer arrives and the actor is not aware of the order, the officer may assist the protected person in informing the actor subject of the existence of the order. The officer shall then remain at the scene until the actor has complied with any wording that requires him or her to leave the residence. If the order does not require the actor to leave, the officer shall remain at the scene for a reasonable amount of time while the protected person gathers necessary items to leave. See Texas Family Code Chapter 83 for additional information.

IV. PROCEDURES - General responsibilities

- A. Officers shall refer victims of domestic violence or serious bodily injury crimes to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs), and shall provide victims with the name, address and telephone number of the District Attorney and the investigating law enforcement agency. Where possible, officers shall help victims directly access referral agencies.
- B. Officers shall be trained about domestic violence and its impact. Officers must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding officers. Officers are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.

V. PROCEDURES - Patrol responsibilities

A. Arrival at the scene

1. Obtain all available information from the dispatcher before arrival.
2. When possible, officers should wait for a cover officer to discuss a strategy, and approach the dispute scene together.

B. Avoid the use of sirens or other warning devices that could announce your arrival in advance. The suspect might be armed/ have access to weapons and could turn a weapon on arriving officers.

C. Observe the location of the dispute as you are arriving- before making your approach. Consider the surroundings. Park patrol cars a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.

D. Before knocking on the door, listen, and carefully look into any nearby windows to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).

E. Officers must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.

1. Initial contact with occupant(s).

- a. Identify selves as law enforcement officers, give an explanation of your presence, and request entry into the home (when conditions permit). Ascertain identity of complainant, and ask to see him or her and any other person at the home.
- b. Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further. Officers shall not leave without interviewing the complainant.
- c. If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.

- d. Refusal of entry or no response to a knock at the door may require a forced entry only if officers have a reasonable belief that the safety of people inside is in jeopardy.
 - e. Officers may conduct a search of the premises if consent has been given to do so. Although a consent to search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent. However, the other, if present, may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.
 - f. A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants. If both are present, either one may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.
- F. Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist (example: officers believe that someone, perhaps the victim or a child, is in need of emergency assistance).
- 1. Officers shall evaluate the following elements when considering a warrantless entry:
 - a. The degree of urgency involved and the time required to get a warrant.
 - b. The possibility of danger to others, including officers left to guard the site.
 - c. Whether the suspected offense is serious or involves violence.
 - d. Whether officers reasonably believe that persons may be armed.
 - e. Finally, officers are reminded that they have a lawful right and duty to investigate any situation which they reasonably believe to be an emergency.

2. Once inside, establish control by:
 - a. Inquiring about the nature of the dispute.
 - b. Identifying disputants.
 - c. Being aware of potential weapons in surroundings.
 - d. Determining if persons are in other rooms, whether children or adults, and the extent of any injuries (these persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised).
 - e. Protect any victim from further abuse. Separate any victim from the suspect and summon EMS for medical attention if victim is injured. Carefully document any observed injuries, as well as any refusal of medical treatment. Photograph the victim's injuries if possible.
 - f. Ascertain whether a protective order has been violated.
 - g. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If appropriate, seize weapons for evidence.
 - h. Transporting family/household members to the hospital, safe shelter, or magistrate.
3. Officers shall transport victims to a safe location as they wish or as the circumstances require.
4. If a complainant seeks officers' help in entering his or her residence to obtain personal property, the officers must determine that the complainant has lawful authority to do so; must advise all parties that they are accompanying the complainant to obtain items for immediate personal (or children's) use; that the officers' function is to maintain order; that any dispute over property is a matter for the courts to decide. Officer's stand-by time shall be reasonable and only to allow complainant to obtain necessities.

G. Interviewing all disputants

1. Ensure safety and privacy by interviewing the victim in a place separate from the suspect.
2. Critical to the success of the interview is the officer's manner. Officers must effectively listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals.
3. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the victim to continue speaking.
4. Separate the parties involved so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension.) Although the disputants may be separated, officers shall remain within sight and hearing of each other.
5. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts (which allows the parties to point out anything that might be misrepresented).
6. Be aware that parties may make excited utterances which may have evidentiary value. Record these utterances when practicable and note them in your report.

H. Interviewing the victim

Ascertain the following information from all victim(s):

1. What happened?
2. Any injuries, who caused them, and what weapons or objects were used?
3. Relationship to suspect?
4. Is there a history of this type behavior?
5. Any threats made against victim or others?
6. Forced sexual contact against victim's will?

7. Any court cases pending against suspect or any protective orders in effect?
8. Is suspect on probation or parole?
9. Did suspect threaten others, particularly children, damage property, or hurt pets?

I. Interviewing witnesses

1. Interview any witnesses to the incident--children, other family members, neighbors--as soon as possible.
2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
3. If witnesses provide information about prior assaults, document them to help establish a pattern.
4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

J. Collection of Evidence

Officers should ensure they treat a family violence offense with the same seriousness as other criminal offenses and conduct a preliminary investigation in the same manner to include:

1. Collecting any physical evidence or calling Investigative personnel to do so.
2. Photograph any damages or injuries received by any parties.

VI. PROCEDURES - Arrests

- A. Officers may make an arrest without a warrant if they have probable cause to believe that the individual has committed an assault resulting in bodily injury to a member of the person's family or household. Further, the Department encourages an arrest when the elements of an appropriate offense are present.
- B. If officers cannot identify a predominant physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident. Further, officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.

- C. If an arrest is not made, officers should strongly encourage one of the involved parties to voluntarily leave to allow for complete de-escalation of the situation. Keep in mind that if they are co-habitants, both have a right to be there and cannot be lawfully ordered to leave their own residence or home.
- D. In cases where the conditions of a protective order have been violated, officers shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse") are violated then the officer shall arrest the violator if probable cause exists.
- E. Officers making arrests for family violence may petition for an emergency protective order if so requested by the victim or if the officer believes there is a significant danger of future assaults.
- F. If children are involved in the incident, officers shall contact the on-call Child Protective Services worker if a child is abused or neither parent can reasonably look after the child's safety and well-being (neglect is a separate, reportable offense).
- G. In determining probable cause, the officer shall not consider:
 - 1. Whether the parties are married or living together, or their race, sex, ethnicity, social class, or sexual orientation.
 - 2. Whether the complainant has not sought or obtained a protective order.
 - 3. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
 - 4. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
 - 5. That the complainant has not begun divorce proceedings.
 - 6. Assurances of either disputant that violence will stop.
 - 7. The lack of visible bruises or injuries.
 - 8. Denial by either disputant that violence occurred.

H. Factors favoring the decision to arrest

1. Arrest is the most appropriate response when these factors are present:

- a. Serious, intense conflict.
- b. Use of a weapon.
- c. Previous injury or damage.
- d. Previous court appearance against the offending party.
- e. Previous attempt to sever the relationship.
- f. Previous calls for law enforcement help.
- g. When a felony has occurred.
- h. Evidence of drugs or alcohol use at the assault.
- i. Offenses committed with the officer present.
- j. Valid warrants on file for other crimes.
- k. A protective order has been violated.
- l. Aggressive behavior toward anyone, pets, or any other threatening behavior.

I. Making the arrest

1. Arrest the suspect if he or she is present, apply handcuffs, inform him or her that the decision to arrest is a law enforcement one, and transport securely to the jail/magistrate.
2. If the suspect is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a "be-on-the-lookout" message describing the suspect if necessary.

3. If an arrest must be made because a protective order has been violated, verify its validity by:
 - a. Examining the victim's copy, if available.
 - b. Having communications search TCIC or contact the jurisdiction that issued the order to confirm its currency.

J. If the abusive person is not arrested

1. Complete an incident report and provide the assigned case given to the victim.
2. Inform the victim that the Department will begin proceeding to procure a warrant for the offender if an offense occurred.
3. Advise the victim of the importance of preserving evidence.
4. Explain to the victim about protective orders and how to obtain them and offer to help the victim obtain them later.
5. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers.
6. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency
7. Assure the victim that Terrell Hills Police Department shall assist in future emergencies and explain measures for enhancing his or her own safety.

K. Gathering evidence:

1. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate an attack, and the crime scene itself.
2. The victim's account of injuries sustained should be corroborated by a physician if possible.
3. When feasible, take photographs of injuries.

4. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.
5. Collect evidence according to the same principles as applied to any crime scene.
6. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime
7. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.

L. Documenting the incident

1. All incident reports on domestic violence shall follow general reporting procedures.
2. Include in all reports of domestic violence:
 - a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor.
 - b. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
 - c. The victim's statements as to the number of prior calls for law enforcement assistance.

M. The disposition of the investigation.

1. In any case involving domestic violence thoroughly document probable cause to arrest.
2. If an arrest is not made for domestic violence the incident must still be documented, where either no probable cause existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:
 - a. What referral information was given.
 - b. The name of any counselor contacted.
 - c. Why no arrest was made.

3. If children were present, make a report of any abuse or neglect, if appropriate, and forward it to the Investigator who will contact Child Protective Services.
4. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency.

N. Arrests of law enforcement personnel

1. If the predominant physical aggressor or abuser is an officer of this or another agency, the responding officer shall request the on-duty field supervisor, who shall in turn notify his or her chain of command.
2. The scene shall be secured and medical attention summoned, if required. The officer shall be disarmed or removed from access to weapons. The possibility exists that the officer's weapon may have been involved, and if determined as such, shall be treated as evidence and collected accordingly.
3. The on-call investigator shall be notified who shall begin a criminal investigation
 - a. If probable cause to arrest exists, the officer shall make the arrest and gather evidence (including taking photographs) consistent with this policy.
 - b. The assigned investigator shall work with the responding patrol officer to ensure that the victim receives medical attention, if necessary, is transported to a hospital or safe shelter, and that all reports are completed, evidence gathered, and photographs taken. The responding patrol officer shall assist in obtaining an emergency protective order.
 - c. The investigator shall speedily present the case to the district attorney.

4. If the offender is an officer with this agency, the Chief may undertake an internal administrative investigation into the incident consistent with the City of Terrell Hills policy regarding internal investigations. The Chief may suspend the employee pending the outcome of the investigation.
 - a. Suspended employees shall immediately turn in all agency-issued weapons, equipment, badges, and identification to the property officer.
 - b. If the internal administrative investigation supports a violation of agency policy, the chief shall take appropriate action consistent with the City's disciplinary process. Further, if the investigation confirms that domestic violence occurred, immediate termination will take place.
 - c. Federal law states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use of, attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Anyone convicted of offenses involving weapons or threats of force, or the subject of a Protective Order will not be considered for employment with this Department.

VII. PROCEDURES - Issuing an emergency protective order A.

Emergency protective orders (EPO) (domestic violence)

1. The EPO aims to protect the health or safety of a victim of domestic violence. It is issued only if the offender is arrested. The judge or magistrate who arraigns the offender after the arrest may issue the EPO on the magistrates own initiative, upon request of the victim, the guardian of the victim, a peace officer, or an attorney representing the state. If an officer has at least a reasonable belief that an assault has occurred and there exists probable danger of further abuse, the officer shall request the judge or magistrate to issue an EPO.
 - a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he or she can request an EPO directly from a magistrate or the District Attorney.
 - b. The victim does not need to file a criminal complaint. The presence of the victim or suspect is immaterial to obtaining an EPO.
 - c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, prohibit the abuser from possessing a firearm, or provide other relief.
2. An officer can petition for an EPO by telephone or in person.
3. The EPO remains in effect for up to 61 days but not less than 31 days. The victim can petition for a permanent protective order before the expiration of an EPO.
4. The offender is served with a copy of the order at the time of arraignment. The victim will be contacted and informed that an EPO has been issued and will be provide with a copy and informed of its requirements.
5. A copy is also delivered to the Chief of Police and communications center for the jurisdiction where the victim resides.

B. Protective Orders from Other States

Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in Texas. This applies to all orders in which the respondent has received notice and opportunity to attend a protective order hearing. Enforcement of out-of-state protective orders does not require that they be registered in Texas. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 714 Vehicle Operation	
	Effective Date:02/01/2023	Replaces:6/1/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

All officers operating Department vehicles shall exercise due regard for the safety of all persons. Protection of life is the paramount goal of the Department. No task, call, or incident justifies the blatant disregard of public safety. Further, the public expects its law-enforcement officers to demonstrate exemplary driving skills. All officers operating Department vehicles will comply with safe driving procedures outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be used consistent with both legal requirements and the safety of the public and Department personnel.

II. PURPOSE

To establish procedures governing the operation of police vehicles.

III. DEFINITIONS

- A. Emergency driving. Driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. Emergency driving with emergency lights and siren activated allows officer to disregard certain traffic regulations but officers must still drive with due diligence for the safety of the officer and the general public.
- B. Emergency equipment. Emergency lights and a siren or air horn designed to give intermittent or continuous signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.
- C. Normal or routine driving. That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road."

IV. GENERAL PROCEDURES FOR ALL RESPONSES

A. General

1. All Departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Department vehicles are conspicuous symbols of authority on the streets and many people observe an officer's actions. Each officer must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the Transportation Code authorizes officers to disregard traffic regulations. Both the operator and the Department, however, are not released from civil liability for failure to use reasonable care in such operation.

B. Routine operation

1. In case of accident or damage to any Department vehicle, the officer shall stop immediately and in a safe location and immediately request the on-duty supervisor, or if outside City Limits of Terrell Hills, the appropriate agency having jurisdiction, to conduct an investigation.
2. Officers shall also write a report detailing the circumstances.
3. Drivers shall report any found damage or other non-accident damage to their supervisor immediately and document the damage on the daily log and file a written report.
4. Vehicles used in routine or general patrol service shall be conspicuously marked unless being used for covert patrol operations.
5. Unmarked cars shall not be used in any pursuit but may be used for patrol. They may be used to stop vehicles provided they are equipped with emergency lights and a siren.
6. Standard lighting equipment on marked vehicles includes hazardous warning lights, driver-side pillar spotlight, and takedown and alley (side) lights on the rooftop light bar. Hazardous warning lights may be used at any time the Department vehicle is parked where other moving vehicles may be endangered. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner which will blind or interfere with the vision of operators of other approaching vehicles.

7. Seat belts and shoulder straps shall be worn by all **occupants** during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible.
(TBP 7.20)
 - a. Exception: When approaching an incident scene or a call where the officer believes that a rapid exit from the vehicle may be required, the officer may release the seat belt.
8. Any young children transported in a police vehicle will be transported in the manner prescribed by the Transportation Code using Infant/Child car seats when required.
9. Vehicles will not be driven off the paved surfaces except for life threatening situations.
10. All officers will take extra precautions while driving through streets during periods of heavy rain or during any sleet/ice/snow conditions.
11. Under no circumstances whatsoever shall any officer drive through high or fast-moving water or standing water of unknown depth, any low water crossing, drainage culvert, or other low lying or flood prone-area during or immediately after any periods of heavy rain.

c. Inspection

1. Before each duty assignment, officers shall check their vehicles for cleanliness, operability, and all required equipment. Officers shall also ensure that vehicles have adequate levels of oil, brake fluid, power steering fluid, and gas. Any deficiencies should be reported to the supervisor and listed on the daily log.
2. Officers shall check the safety features of the vehicle before assuming duty. The check shall include (but not be limited to) all lights, brakes, siren, horn, and steering. Officers shall also check tires for tread wear and proper inflation.
3. Officers shall examine their vehicles at the beginning and end of their shifts for damage. Officers shall report any damage immediately to the on-duty supervisor and file a written report.
4. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others. Rear seats shall be thoroughly checked.

5. Officers who discover a Department vehicle in need of repairs shall immediately inform the on-duty supervisor and list such needs on the daily log and submit a request for maintenance form.
6. If, in the opinion of the Chief of Police, vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.
7. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, SRS/Air Bags, emission control device, or any part of the vehicle which affects its operation.
8. Officers are responsible for maintaining the cleanliness of the interior and exterior of their assigned vehicle. During periods of inclement weather when Department vehicles cannot be washed regularly, the driver must ensure that headlight and tail-light lenses are kept clean, insofar as circumstances permit.
9. No officer shall operate any Department vehicle which he or she believes to be unsafe.

D. Driving rules

1. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.
2. A Department vehicle shall not be left unattended with the engine running nor shall the vehicle be left unlocked when the officer has left it to handle other business.
3. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall govern the operation of the vehicle accordingly.
4. Officers responding to certain crimes-in-progress sometimes discontinue the use of the siren upon approaching the location of the occurrence. Officers shall understand that to do so means that, per Texas law, they are no longer operating an emergency vehicle and must therefore observe all posted speeds and traffic control devices.
5. Emergency driving to the scene of a motor vehicle accident is permissible only when an emergency exists, when specific information indicates that conditions at the scene require an emergency response, or when directed to do so by a supervisor.

6. Upon approaching a controlled intersection or other location where there is possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely if necessary, before entering and traversing the intersection. When faced with a red traffic signal or stop sign, the officer shall stop his or her vehicle and ensure by careful observation that the way is clear before proceeding through the intersection.
7. Regardless of the seriousness of the situation to which the officer is responding, and excepting circumstances that are clearly beyond the officer's control, he or she shall be held accountable for the manner in which he or she operates the vehicle.
8. At the scene of a crime, a motor vehicle crash, or other incident, a Department vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured persons. If a traffic hazard exists, the emergency lights shall be used to warn other drivers approaching the location.
9. Operators of Department vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle does not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way.

V. PROCEDURES FOR EMERGENCY DRIVING (TBP 7.15)

A. General

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him/her to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified.
2. 546.005 of the Texas Transportation Code states that the exemptions to driving laws granted to emergency vehicle operators "does not relieve the operator from the duty to drive with appropriate regard for the safety of all persons or the consequences of reckless disregard for the safety of others." Recognizing that protection of human life is paramount; the responding officer must remember that his or her objective is to get to the location of the occurrence as soon as possible--safely--without danger to himself or to others.

B. Types of Responses

1. Calls for service are classified as either Emergency or Non-Emergency in nature.
 - a. Non-Emergency Responses are utilized for any situation regardless of apparent urgency where the preservation of life is not a consideration. Officers shall respond to the location without delay, complying with all traffic regulations and shall not use emergency warning devices.
 - b. Emergency Responses are authorized for any situation where the preservation of life is a consideration. Primary and support units responding to Emergency calls shall proceed rapidly to the location of the emergency by the most direct means, using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers.
2. Field supervisors shall monitor calls for service and shall have the authority to upgrade or downgrade response. In addition, Field supervisors shall respond to all emergency calls, if possible.

C. Dispatcher assignments

1. The dispatchers normally “e-tone” all emergency calls in which a crime involving violence is in progress or where the suspect is armed, and all other requests alleging an implied or immediate threat to the safety of a person. Some felonies-in-progress that do not apparently involve violence are dispatched as emergency calls. Some examples of emergency calls (not all inclusive) include:
 - a. An officer who needs urgent help.
 - b. A burglary in progress.
 - c. A robbery in progress.
 - d. A serious-injury or fatality accident.
 - e. A person with a deadly weapon.
 - f. A riot or large disturbance with fighting or injuries or damages occurring.
 - g. Other circumstances presenting an immediate threat to public safety.

D. Officer's response to call

1. Upon arrival at the scene of a call, the responding officer shall rapidly evaluate the situation and determine whether additional units are still needed or whether any other units emergency response can be slowed or cancelled.

2. All units responding to robbery-in-progress and burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, officers shall discontinue the use of the emergency warning lights. Officers are reminded that upon deactivation of a siren and flashing lights, their response ceases to be an emergency and they must comply with all posted speeds and traffic control devices.
3. In situations requiring a silent response, e.g., alarms and prowler calls, officers shall respond as rapidly as possible, obeying all traffic laws and signs.
4. Officer-initiated response.
 - a. When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary enforcement, the Department authorizes an emergency response.
 - b. Examples include:
 - i. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents, or disasters).
 - ii. As a visual signal to attract the attention of motorists being stopped for traffic violations, or to warn motorists of imminent dangers.
 - iii. Responding to non-emergency calls, where the officer has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as an emergency call.
 - iv. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate response.
 - v. In response to an officer's emergency request for assistance.
 - vi. For pursuit.

E. Use of emergency warning devices in non-emergencies

1. Officers shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, officer, and the public.
2. Officers may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers, such as using emergency lights to protect disabled motorists or when Department vehicles are used as protective barriers.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 715 Vehicle Pursuits	
	Effective Date: 02/01/2023	Replaces: 6/1/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue, continuously evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

Officers shall comply with all applicable portions of the Terrell Hills Police Department policy regarding vehicle operations when involved in vehicle pursuits.

II. PURPOSE

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

III. DEFINITIONS

- A. **Boxing in.** A deliberate tactic by two or more pursuit vehicles to force a pursued vehicle in a specific direction or to force it to reduce speed or stop by maneuvering the pursuit vehicles in front of, behind, or beside the pursued vehicle.
- B. **Caravanning.** Direct participation in a pursuit by Department vehicles other than the primary and authorized support vehicles.
- C. **Emergency driving.** Driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation.
- D. **Emergency equipment.** Emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.

- E. Normal or routine driving. That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to all vehicle laws and posted signs, and adherence to commonly-understood "rules of the road."
- F. Primary pursuit vehicle. Normally the Police Department vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.
- G. Pursuit. An active attempt by an officer in an authorized emergency vehicle to apprehend a suspect, who is fleeing or evading apprehension, provided the officer reasonably believes that the suspect is refusing to stop and is willfully fleeing capture by high-speed driving or other evasive maneuvers. Pursuits shall be conducted only with activated emergency equipment and under circumstances outlined in this order. An attempt to stop a vehicle that is not fleeing, or attempts to stop a vehicle that is refusing to stop while still obeying traffic control devices and not exceeding the speed limit is not a pursuit.
- H. Risk. The degree of danger or hazard to the violator, public, and officers.
- I. Support vehicles. The second or additional Police Department vehicles, participating in the pursuit, which follows the primary pursuit vehicle at a safe distance and helps the primary one once the suspect vehicle has stopped, or which can assume the primary role if circumstances dictate.

IV. PROCEDURES FOR PURSUITS

A. Officer Responsibilities

The officer who undertakes a pursuit does so at his or her discretion taking into consideration the factors listed below. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. The officer shall notify the dispatcher of the pursuit, direction of travel, description of the pursued vehicle, and location. The officer who undertakes the pursuit may also use his discretion, based on the circumstances, to end the pursuit at any time.

B. Supervisor's Responsibilities

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

C. Back-up Responsibilities

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

D. Justification for Pursuit

An officer may initiate and continue to pursue a vehicle only when he has probable cause to believe the violator has committed or is attempting to commit a serious felony (a felony involving the use or threatened use of violence) or when the necessity of immediate apprehension in case of a misdemeanor outweighs the level of danger created by the pursuit (e.g., DWI, reckless driving). A pursuit **is not justified** on the basis of the offender committing the offense of evading arrest in a motor vehicle alone. In **all** pursuits, the officer will consider the need to apprehend against the risk of injury to himself/herself or others from the pursuit. This consideration will apply both to the decision to initiate the pursuit and to the continuous decision to maintain the pursuit throughout, until the conclusion or abandonment of the pursuit. If it appears **at any time during the pursuit** that the risk of injury or property damage outweighs the need to apprehend, the pursuit will be **immediately** discontinued by the pursuing officer or on order of the on-duty supervisor.

Considerations in deciding to engage or continue pursuit:

1. Officers shall not operate a vehicle at a rate of speed that may cause loss of control. The Department expects an officer to terminate the pursuit whenever the risks to his or her own safety, or the safety of others, outweighs the need to apprehend.
2. The decision to begin, responsibility for continuing, and the choice of method of pursuit rests primarily, if not solely, with the individual officer(s) involved. In deciding, he or she is faced with a dilemma because, although the law does not prevent the officer from using emergency speeds while engaged in pursuit, it **can hold the officer criminally, as well as civilly liable for their actions, consequences, or end result.** Therefore, officers must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of citizens. Such considerations include:
 - a. Does the seriousness of the crime warrant a chase at higher than normal speed?
 - b. What is the possibility of apprehension?
 - c. Will the pursuit take place on residential streets, a business district or freeway?
 - d. When a police officer begins pursuit of a fleeing vehicle, he or she must remember that citizens using public highways do not expect their travel to be interrupted by a high-speed chase or to become involved in an accident as a consequence. Children playing on the side of the street are likely to be drawn towards a police car with the siren and emergency light operating, rather than cautioned away from it.
 - e. Street and traffic conditions.
 - f. The weather conditions.

- g. Road conditions and lighting (visibility).
 - h. Balancing the pursuit's danger to the public against allowing suspect to escape.
 - i. Is there sufficient identification of the suspect to allow for a later arrest?
3. Intersections are a particular source of danger. Officers, when approaching an intersection where signal lights or stop signs control the flow of traffic, shall:
- a. decelerate and be prepared to apply the brakes.
 - b. enter the intersection only when safe, when all other vehicles are aware of the officer's presence, and at a reduced speed.
 - c. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the officer is requesting the right of way and **does not absolutely have** the right to run a red traffic light or stop sign if doing so constitutes reckless disregard for the safety of others.

E. Rules of Pursuits

- 1. Officers shall not ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle. Officers shall not use their vehicles in any manner other than to provide transportation during the pursuit. Use of the vehicle as an instrumentality to force an end to a pursuit is considered, except in very low-speed and controlled circumstances, a use of deadly force and is governed by deadly force principles.
- 2. Pursuits shall be limited to two police vehicles, a primary and a secondary. Other police vehicles shall not leave their assignments to join the pursuit. Additional units may participate but only under order by the on duty supervisor, or senior officer.
- 3. Officers shall not fire their weapons from a moving police vehicle. Officers may only fire weapons at a vehicle under conditions that allow the use of deadly force.
- 4. Whenever the pursuit extends off roadway, as when the fleeing vehicle leaves the roadway and proceeds cross-country, the pursuing officer(s) must carefully consider whether or not the seriousness of the offense outweighs the risk to his safety and the potential damage to the police vehicle or private property. When the risks of pursuit exceed the need to capture the offender, ***the officer must discontinue the pursuit.***
- 5. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. All back up units shall be dispatched in close proximity to offer assistance.

6. A supervisor may direct that the pursuit be discontinued. If the pursuing officer receives such an order to stop the pursuit, he or she shall do so immediately and acknowledge the order. Also, the pursuing officer(s) must discontinue the pursuit if at any time during the course of the pursuit he loses sight of the fleeing vehicle for an extended time.
7. Officers **will not initiate** the set up of stationary roadblocks in an attempt to stop a fleeing vehicle. (TBP 7.18)
8. Pursuits of misdemeanants shall not proceed beyond the Bexar County line. A pursuit of suspected felons may extend beyond the Bexar County line, but the pursuit shall be relinquished as soon as possible to police personnel of the entered county. When a pursuit enters another jurisdiction, Terrell Hills Police officers should, in most circumstances, allow the other jurisdiction to assume the pursuit and Terrell hills Police officers should assume a secondary role.
9. **Officers, when accompanied by civilian passengers, shall not pursue.** If a civilian is in the police vehicle at the beginning of a pursuit, that officer shall turn the pursuit over to another officer, or deposit the civilian at an appropriate, safe location.
10. When the fleeing suspect is apprehended in another county, the pursuing officer shall take the arrested person before a judicial officer of that county.
11. When the fleeing suspect is apprehended within the county, the officer shall take the arrested person before the magistrate serving that county in accordance with the Texas Code of Criminal Procedure. The on-duty supervisor shall confer with the other jurisdiction to determine which jurisdiction shall maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective magistrate.
12. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall attempt to use a different siren-sound selection.
13. In case of pursuit, should the violator enter a one-way street against the flow of traffic, or enter a major highway or interstate freeway by proceeding along an exit ramp, the pursuing officer shall not follow the violator but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel.
14. Whenever an officer's vehicle is damaged in any way or indicates a malfunction which might potentially affect performance or handling, the officer shall abandon the pursuit immediately.

VII. ABANDONING PURSUIT

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

Officers must discontinue pursuit under the following circumstances:

- A. If, in the opinion of the pursuing officer or supervisor, the pursuit creates a danger to the officers and other motorists or pedestrians that outweighs the need for immediate apprehension.
- B. The suspects have been positively identified and can be apprehended later without increasing risk to public safety.
- C. The prevailing traffic, roadway, and environmental conditions render pursuit futile.
- D. The pursued vehicle outdistanced the officer, or its location is not known.
- E. The pursuing officer knows, or is reasonably certain that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor, non-violent felony or the violent felony is the offense of evading arrest in a motor vehicle(the pursuit may stimulate the juvenile to recklessly disregard public safety).
- F. The officer's decision to pursue is based on the commission of the following offenses:
 - a. Misdemeanors where the necessity of immediate apprehension does not outweigh the level of danger created by the pursuit
 - b. Non-violent felony
 - . P.C. 38.04.(a)(1) EVADING ARREST OR DETENTION IN MOTOR VEHICLE

Discontinuing a pursuit does not mean that the officer cannot follow the vehicle at a safe speed, or remain in the area ready to resume the pursuit if the opportunity presents and circumstances warrant. Officers, when pursuing, shall resist the temptation to follow too closely in an effort to force actions by the pursued offender; but instead simply follow the violator and allow him or her to make the driving mistakes. **No officer will be disciplined for discontinuing a pursuit.**

VII. DOCUMENTATION OF PURSUIT (TBP 7.14)

1. Officers involved in a pursuit will complete and submit Post Pursuit Involvement Form. (Attachment A)
2. On Duty Supervisor will complete and submit Post Pursuit Involvement Form-Supervisor's Review. (Attachment B)

15.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 716 Vehicle Pursuit Documentation & Review	
	Effective Date: 02/01/2023	Replaces: 6/1/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must be held accountable for their actions and, once they have decided to pursue, continuously evaluate the safety of their actions. To help hold officers accountable for their actions when involved in a pursuit, the pursuing officer as well as on-duty supervisor, are required to complete the respective forms: Post Pursuit Involvement Form and Post Pursuit Involvement Form-Supervisor's Review.

II. PURPOSE

To allow for periodic review and analysis of Agency pursuits for the purposes of determining specific trends, revamping existing pursuit policy and procedures, the need for additional training, or changes in vehicle equipment.

III. FORMS

- A. Post Pursuit Involvement Form.** Must be completed by all officers who engage in any vehicle pursuit and submitted along with the officer's incident/offense report.
- B. Post Pursuit Involvement Form- Supervisor's Review.** Must be completed by the on-duty supervisor and forwarded to the Police Lieutenant.

IV. REVIEW

- A. The Police Lieutenant will review all Post Pursuit Involvement Forms along with Post Pursuit Involvement Forms- Supervisor's Review, upon receipt for the purposes of:
 - 1. Ensuring continued compliance with existing directives.
 - 2. Determining officer behavioral patterns and the need for any corrective actions.
 - 3. Determining the need for additional training.

4. Identifying specific trends such as frequency, times of day, specific days, nature of underlying offenses, etc.
5. Identifying any specific deficiencies in Vehicle Equipment.

V. ANNUAL REPORTS

- A. The Police Lieutenant will prepare an Annual Report of agency pursuits, recommending any changes in policy, training, or equipment, and forward same report to the Office of the Chief of Police for his review.
- B. In the event of minimal or no documented pursuits within a given year, the Police Lieutenant may compare several years' worth of documentation for the purposes of analysis.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 717 Vehicle Impoundment and Inventory	
	Effective Date: 02/01/2023	Replaces:06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

A motor vehicle is an important piece of personal property that must be properly managed and supervised if it enters police custody. Abandoned vehicles constitute a public nuisance, a hazard to traffic, and members of our community view their removal as an essential police service. Likewise, vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes. The City Of Terrell Hills has contracted with Alamo Wrecker Service as the designated tow company for official use by the Terrell Hills Police Department.

II. PURPOSE

To establish procedures for towing and inventory of vehicles.

III. AUTHORITY TO TOW

A. Accident

1. Any vehicle involved in an accident shall be removed from the roadway without unnecessary delay, once the accident investigation is complete.
2. If the procedure above is not possible and a traffic hazard results, the officer shall order the towing of the vehicle at the owner's expense.
3. Vehicles may be impounded if the vehicle is needed for purposes of the investigation following a vehicle crash. Such cases may but do not necessarily involve custody of the operator.
4. Following motor vehicle crashes, an officer may request impoundment when the operator is unwilling or unable to take charge of the vehicle.
5. In lieu of impoundment, an owner may request the City's contracted tow service take the vehicle directly to a repair facility of their choice, and such tow will revert to an agreement between the selected repair facility and the tow company.

B. Emergency

Any vehicle found illegally parked in the vicinity of a fire, traffic accident or area of emergency which creates a traffic hazard or interferes with the necessary work of police, fire, or other rescue workers may be towed on an officer's orders at the owner's expense. Vehicles being used by radio, T.V. and press are exempt unless they obstruct police, fire, or rescue operations, or creates an unreasonable traffic hazard.

C. Impeding/danger to traffic

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others, except in cases of mechanical breakdown or accident. If a disabled vehicle is not promptly removed and creates a traffic hazard, the officer may order the vehicle towed at the owner's expense.

D. State/county/municipal vehicles

Paragraphs A, B, and C above shall not apply to any vehicle owned or controlled by the state or a local unit of government while actually engaged in construction or highway maintenance.

E. Blocking driveway

Any officer discovering or having report of any motor vehicle, trailer, or other vehicle parked on a public roadway blocking entrance to or exit from a private driveway may order the vehicle towed at the owner's expense.

F. Unattended traffic hazard/violation of law

Officers may tow any unattended motor vehicle found on a public street or grounds that constitutes a traffic hazard or is parked in such a manner as to be in violation of the law.

G. Abandoned/Junked Vehicle

1. Whenever any motor vehicle is abandoned upon public property, the officer may order it towed at the owner's expense.
2. A vehicle may be presumed to be abandoned if it lacks either current license plate registration, or a valid state inspection, or it has been left unattended or obviously disabled (wrecked, evidence of major breakdown) on public property for more than 48 hours, after it has been properly orange stickered (48 hr. violation).

H. Removal from private property

1. No removal shall be ordered from private property by police, except as provided in Section I below.
2. Property or business owners may act immediately to have vehicles towed which are occupying a lot, area, space, building or part thereof without their permission.

I. Evidence/crime involvement

1. Upon supervisory approval, vehicles that are of an evidentiary value or involved in the commission of a crime shall be towed at the request of the officer to the designated impound lot at Texas Towing.

1. Impound of stolen vehicles or suspected stolen vehicles is appropriate when the following circumstances exist:
 - a. The owner cannot be contacted,
 - b. The owner is contacted and cannot or will not respond in a reasonable amount of time, or
 - c. Immediate removal is necessary for safety reasons or purposes of safekeeping.
 - d. Officers should document reasonable efforts to contact owners with means readily available. Towing of reported stolen vehicles is at the owner's expense.

J. Prisoner's vehicles

1. Vehicles belonging to arrested persons, if left at the scene of the arrest may be at substantial risk of theft or damage to the vehicle or personal property contained therein. It is therefore the policy of this department to impound all prisoner's vehicles at the owner's expense for protection of the vehicle, unless:
 - a. There is a friend or relative at the scene, who is a licensed driver, and the arrestee wishes to release the vehicle to them and the arrestee consents to the release on the audio/video in-car recording system.
2. The officer may impound the vehicle if he or she believes the above method of vehicle release would not properly protect the vehicle or its contents.

3. A vehicle shall be impounded if a subject is arrested and one of the following circumstances exists:
 - a. The vehicle was used in a crime.
 - b. The vehicle contains evidence of a crime that cannot be processed at the scene.
4. Officers should not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively, and safely conducted at or near the scene.
5. A “hold” may be placed on any vehicle impounded for evidence for such period of time necessary to complete evidence collection.
 - a. Holds on vehicles must be approved by CID supervisor.
 - b. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.

IV. TOWING PROCEDURES

- A. Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance, (e.g., not as a form of punishment, or as a means of conducting vehicle searches when probable cause does not exist or consent to search cannot be obtained).
- B. When impoundments are ordered during late night or inclement weather, the operator and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided transportation to the nearest bus stop or place of shelter/safety (convenience store etc) where they can arrange for further transportation.
- C. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the appropriate reporting document.
- D. Officers shall know under which provisions (subparagraphs A-J above) and laws the vehicle shall be impounded.
- E. For all impounds the officer will use the City’s designated Tow Company.
- F. The owner’s/operator’s wishes to specify a towing company for a personal tow (disabled vehicle- tire change-etc) will be honored whenever possible.
- G. In an emergency involving major traffic congestion due to a disabled vehicle, the officer shall so notify the dispatcher and shall request a wrecker.

- H. If the vehicle involved in an emergency is larger than the normal passenger vehicle or pickup size, the officer shall so advise the dispatcher who has a separate list of specially equipped wrecker services.
- I. Dispatchers shall log the time he or she called the tow service.
- J. When the wrecker arrives on the scene, the officer shall advise the dispatcher of the wrecker's arrival and completion of impound or tow.

V. INVENTORY

A. Authority and purpose

- 1. A motor vehicle inventory is an administrative procedure designed to protect vehicles and their contents while in departmental custody. The purpose of the inventory is to protect the owner's property and to protect the department against claims and possible dangers. Inventories may be conducted without a warrant or probable cause when:
 - a. The vehicle has been lawfully seized or impounded.
 - b. Inventories will be conducted before towing the vehicle for violations, safety reasons, or other purposes as defined by law.

B. Inventory vs. Search

- 1. An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not an inventory but a vehicle search.
- 2. Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked shall not be inventoried. Officers are reminded of the "plain view doctrine" and the limitations upon the authority to search incidental to a lawful arrest.
- 3. A vehicle inventory report shall be completed whenever an officer assumes responsibility for impounding a vehicle. An inventory shall be completed at the location where the vehicle was seized unless reasons of safety or practicality require the inventory to take place later.
- 4. For all impounds, officers shall obtain the signature of the wrecker driver on the THPD Inventory Report and provide the wrecker driver a duplicate copy of the report. The officer in-turn will sign the wrecker driver's invoice and receive a copy of such, which will be attached to the Inventory Form

C. Inventory procedures

1. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner/operator shall be requested to verify the completeness of the inventory by signature.
2. The scope of the inventory includes all open and closed containers and compartments and any locked containers or compartments as long as the officer has a key. Locked or sealed items shall not be forcibly entered if doing so will damage them. Locked items that are not searched will be noted on the Impound Report. In general, the inventory extends to all areas of the vehicle in which personal property or hazardous materials may reasonably be found.
3. Officers shall not force open a vehicle's trunk or glove compartment to inventory the contents if a key is not available.
4. Any evidence, contraband, fruits, or instrumentalities of a crime discovered during an inventory shall be handled per evidence procedures.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 718 Communicable Diseases	
	Effective Date:02/01/2023	Replaces:06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

It is the policy of the Terrell Hills Police Department to increase awareness about risks, modes of transmission, and procedures for handling communicable diseases such as hepatitis B, hepatitis C, tuberculosis, HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immune Deficiency Syndrome), and AIDS-related infections. Although, of the diseases aforementioned, AIDS has received the most notoriety, all present hazards to law enforcement officers: Hepatitis B and C, and tuberculosis are more infectious than HIV, for example.

All officers must understand that the focus of the news media on AIDS has dealt with so-called "high risk" groups, i.e., homosexual men, intravenous drug users, and prostitutes. As a matter of practice, the Department does not solely recognize high-risk groups since health and legal experts maintain that the actual risk of contagion comes from high-risk *behavior*. Anyone, including members of the Department, might conceivably behave in a way that promotes risk of infection. Further, the long incubation periods associated with diseases such as HIV (years) and hepatitis C render testing difficult. Accordingly, officers shall act responsibly in minimizing the risk of infection when dealing with **any** person, male or female, child or adult or with **any** bodily fluids. Taking even just a few precautions, however, will avoid the risk of infection almost entirely.

Officers cannot refuse to work with or handle anyone--victim, complainant, or suspect--because of the officer's fears of possible infection. Personnel shall not refuse to arrest or otherwise refuse to handle any person in a legitimate law enforcement context, provided that appropriate protective equipment is available. The measures provided herein will assist officers in carrying out their duties while simultaneously minimizing health risks.

The most likely danger from contact with HIV or other communicable diseases comes from direct contact with any exposed blood or other bodily fluids present on a person, or as evidence at the scene of injury or death. The Department does expect officers to exercise caution when handling evidence, to which end the following procedures are set forth. Officers have **no way** to determine with certainty if a citizen is infected with a communicable disease.

The Department shall provide officers with information and education on prevention of communicable diseases, as well as safety equipment and procedures to minimize their risks of exposure. The Department has instituted post-exposure reporting, evaluation, and treatment for all officers exposed to communicable diseases.

Finally, the Department advises all officers that they shall not receive discriminatory treatment nor bear any stigma if they contract a communicable disease which becomes known to the Department.

The Department expects officers to become educators in their law enforcement work. Officers can advise the public of the risks of infection and can further distribute educational literature. Additionally, officers may refer citizens to health agencies such as the American Red Cross and the local health Department. Officers, then, may set an example in demonstrating rationality and confidence in dealing with communicable diseases.

II. PURPOSE

To establish guidelines and procedures to be followed when an officer of the Department is exposed to a communicable disease with a risk of major illness or death and to establish procedures for handling of evidence or property that may be contaminated.

III. DEFINITIONS

- A. Communicable disease.** An infectious disease capable of being passed to another by contact with an infected person or his/her bodily fluids.
- B. AIDS (Acquired Immune Deficiency Syndrome).** A blood-borne and sexually-transmitted disease that attacks and destroys the body's immune system. It makes people susceptible to infections, malignancies, and diseases not generally life-threatening to persons with normal immune systems. AIDS also causes disorders of the central nervous system. There is no vaccine against the virus. Officers are advised that AIDS is **not** transmitted through any of the following (according to the Centers for Disease Control):
1. Sneezing, coughing, spitting;
 2. Handshakes, hugging, or other non-sexual physical contact;
 3. Toilet seats, bathtubs, or showers;
 4. Various utensils, dishes, or linens used by persons with AIDS;
 5. Articles worn or handled by persons with AIDS, i.e., doorknobs, pens, or cups;
 6. Being near someone with AIDS frequently or over a long period of time;
 7. Riding the same transportation; working in the same office
 8. Eating in the same public place with an AIDS-infected person; or
-

- C. **ARC (AIDS-Related Complex):** A condition caused by the AIDS virus (HIV) which has a specific set of symptoms. Such symptoms include persistent fever, weight loss, skin rashes, diarrhea, and swollen lymph nodes. Although these symptoms may be debilitating, they are generally not life-threatening.
- D. **HIV (Human Immunodeficiency Virus):** The virus that causes AIDS. HIV infects and destroys certain white blood cells, undermining the body's ability to combat infection. (Also named HTLV-III or LAV). Technically speaking, this general order aims to reduce the chance of HIV transmission, the virus that causes AIDS.
- E. **Seropositivity:** Refers to a person having antibodies to HIV, meaning that infection has occurred at some time in the past. A seropositive person can be infected with HIV for years without ever developing symptoms of AIDS. Infected persons can transmit the virus even though they may not have symptoms of AIDS.
- F. **Hepatitis B (HBV):** A viral infection that can result in jaundice, cirrhosis, and, sometimes, cancer of the liver. The virus is transmitted through exposure to blood, semen, or vaginal secretions. Two vaccines are currently available against hepatitis B [Recombivax (synthetic) or Heptivax (serum derived)].
- G. **Hepatitis C (HCV):** An, often asymptomatic, viral infection that can result in scarring, cirrhosis, and ultimately liver failure or cancer of the liver, caused by the Hepatitis C virus (HCV). The virus is transmitted through blood to blood contact, primarily with sticks with dirty needles or IV Drug users. There are currently no vaccines available against HCV
- H. **Tuberculosis:** A bacterial disease that can be transmitted through saliva, urine, blood, and other body fluids by persons infected with it. Tuberculosis is spread **primarily** by inhaling airborne droplets from infected coughing people. It can enter the body through infected mucous on the skin (as from coughing) or from droplets that are inhaled. It is an airborne, opportunistic disease and it primarily causes lung infection. Although no vaccine against tuberculosis exists, medications are available to treat the disease.
- I. **Exposure control program.** A written agency plan, available to all officers, which details the steps taken to eliminate or minimize exposure incidents, and identifies at-risk tasks and assignments.
- J. **Personal protective equipment (PPE).** Consists of specialized clothing or equipment worn or used by officers for protection against infection. PPE does not include uniforms or work clothes without special protective qualities.
- K. **Universal precautions.** Includes controls or procedures advised by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that blood and body fluids are potentially infectious.

IV. GENERAL RESPONSIBILITIES

- A. The Chief of Police or his designee shall develop a written exposure control plan which provides the overall strategy for limiting exposure to HIV and HBV viruses, and for handling exposure incidents. The plan is available to all officers and may be reviewed upon request to their immediate supervisor.
 - 1. The plan adheres to the principles and procedures for the prevention of HIV, HBV, and HCV exposure as detailed in the universal precautions prescribed by the CDC plus other state or federal agencies.
 - 2. All employees, and supervisors particularly, are responsible for the maintenance of a clean, sanitary workplace. Supervisors, shall inspect workplaces daily to ensure that these conditions are met.
- B. The Chief of Police or his designee shall ensure that adequate supplies are available for communicable disease control within the Department. Supervisors are responsible for ensuring an adequate supply of disease control supplies are available for all affected officers within their purview. Further, supervisors must ensure that:
 - 1. personal protective equipment (PPE) can be found in sufficient quantities at advertised locations;
 - 2. hypoallergenic gloves and other materials are available;
 - 3. supplies are routinely inspected, replaced, cleaned; and
 - 4. First Aid supplies and disinfectants are available always.
- C. Officers using supplies in their vehicles shall replace them or arrange to have them replaced as soon as possible. **Officers shall maintain disposable gloves in their personal possession at all times.**
- D. Officers shall use protective equipment under all appropriate circumstances unless the officer can justify otherwise.
 - 1. Officers who, for whatever reason, do not use protective gear when appropriate shall document the incident as soon as practicable for Department review.

- E. Any officer whose skin comes into contact with bodily fluids of another shall begin disinfection procedures immediately. These procedures range from simple soap-and-water washing to the use of alcohol, antiseptic towelettes, or hand sanitizer. All open cuts, wounds, and abrasions shall be covered with waterproof bandages before officers report for duty.

V. GENERAL PRECAUTIONS

- A. **General.** Whenever possible, officers shall wear disposable latex gloves when doing any of the following:

1. Handling persons or items (hypodermic needles, syringes, edged weapons, or any surfaces) soiled with blood or bodily fluids.
2. Packaging and handling such items as evidence.
3. Cleaning up blood or other secretions which appear on floors, seats, equipment, handcuffs, shoes, clothing, pens, pencils, etc.

B. **Specialized Devices**

1. Masks shall be worn whenever splashes, spray, spatter, or droplets of potentially infectious fluids endanger by contamination through the eyes, nose, or mouth. Masks may be worn with other protective devices such as goggles.
2. Gowns, jumpsuits, aprons, etc shall be worn as determined by the degree of exposure anticipated.

C. **Handling People**

1. Wash hands thoroughly for thirty seconds with warm water and soap after removing gloves (when handling evidence) or after contact with any subject. If water is unavailable, use pre-moistened towelettes found in the communicable disease control kit to decontaminate skin, or hand-sanitizer until proper decontamination can take place.
2. Leather gloves or their equivalent should be worn when searching persons or working in environments, such as accident scenes, where sharp objects and bodily fluids may reasonably be encountered. Search techniques shall be used that require suspects to empty their own pockets or purses and remove sharp objects from their persons.

3. When transporting prisoners:
 - a. Do not put fingers in or near any person's mouth.
 - b. Transport persons with bodily fluids on their persons in separate vehicles from other persons. A person who is bleeding or excreting a bodily fluid may have to wear a protective covering.
 - c. Notify other support personnel or law enforcement officers during a transfer of custody that the suspect has fluids on his or her person, or that the suspect has stated that he or she has a communicable disease. Booking forms should so state.

D. Handling Objects

1. Objects contaminated with bodily fluids shall be completely dried, double bagged, and marked to identify possible disease contamination.
2. Officers shall use extra care when handling any sharp objects. If officers find syringes, they shall not bend, recap, or otherwise manipulate the needle in any way, but shall place them in puncture-resistant containers provided by the Department.

E. Handling Fluids

1. Clean up blood spills or other bodily fluids with regular household bleach diluted 1 part bleach to 10 parts water (or use undiluted bleach, if easier). Bleach dilutions should be prepared at least every 24 hours to retain effectiveness.
 - a. Wear latex gloves during this procedure.
 - b. A soiled uniform (by blood or bodily fluids) should be changed as soon as possible. Wash in hot water and detergent.
2. Departmental vehicles in which bodily fluids are spilled require immediate disinfection procedures. Officers shall notify their supervisor of the spill and arrange for a thorough cleaning as soon as possible. Affected vehicles should bear an "Infectious Disease Contamination" sign upon arrival at a service center and while awaiting disinfection.
 - a. All police vehicles will be cleaned with disinfectant as part of a routine, scheduled washing and maintenance check.

F. Precautions When Bitten

The danger of infection through bites is low. The victim cannot be infected with HIV through the blood of the biting person unless that person has blood in his or her mouth which comes into contact with the victim's blood. HIV cannot be transmitted through saliva. With HBV and HCV, however, transmission takes place through infected blood or blood-derived body fluids. Infection takes place by exposure of the eyes, mouth, or mucous membranes to the virus. Precautionary procedures to minimize the risk of infection include:

1. Encouraging the wound to bleed by applying pressure and gently "milking" the wound.
2. Washing the area thoroughly with soap and hot water.
3. Seeking immediate medical attention at the nearest hospital.
4. Advising your supervisor, making a report, or following any other City policy for reporting injuries, including the filing of appropriate Workers' Compensation forms.

G. Precautions When Punctured by Needles or Knives

If an officer is cut or punctured by a needle or a knife or other instrument while searching a suspect or handling contaminated evidence, follow these general guidelines:

1. Allow the wound to bleed (unless severe bleeding occurs) until all flow ceases. Then cleanse the wound with alcohol-based cleanser (or pre-moistened towelettes) and then with soap and water. Do not rely exclusively on towelettes or hand-sanitizer. Wash wounds thoroughly with soap and warm water.
2. Seek medical attention as soon as possible after the injury. A physician will then decide the proper treatment.
3. Advise your supervisor, make a report, or follow any other City policy for reporting injuries, including the filing of appropriate Workers' Compensation forms.

H. Precautions at Major Crime Scenes

At the crime scene, officers and crime scene technicians confront unusual hazards, especially when the crime scene involves violent behavior such as homicides where large amounts of blood have been shed.

1. No officer at any crime scene shall eat, drink, smoke, use chewing tobacco or apply make-up.

2. The best protection is to wear disposable latex gloves. Any person with a cut, abrasion, or any other break in the skin on the hands should never handle blood or other body fluids without protection.
3. Latex gloves should be changed when they become torn or heavily soiled or if an officer leaves the crime scene (even temporarily).
4. If cotton gloves are worn when working with items having potential latent fingerprint value, wear cotton gloves over latex gloves.
5. Hands should be washed after gloves are removed, even if the gloves appear to be intact.
6. Always keep a plastic bag in the communicable disease control kit to be used only to collect contaminated items (gloves, masks, etc.) until they can be disposed of properly. Clearly mark the bag "Contaminated Material."
7. Shoes and boots can become contaminated with blood. Wash with soap and water when leaving the crime scene, or use protective disposable shoe coverings.
8. Wrap-around eye safety goggles and face masks should be worn when the possibility exists that dried or liquid particles of body fluids may strike the face. Particles of dried blood, when scraped, fly in many directions, so wear goggles and masks when removing the stain for laboratory analysis.
9. While processing the crime scene, be constantly on the alert for sharp objects, such as hypodermic needles, razors, knives, broken glass, nails, etc. Use of mirrors may be appropriate while looking under car seats, beds, etc.
10. Use tape--never metal staples--when packaging evidence.
11. If practicable, use only disposable items at a crime scene where blood or other bodily fluids are present.
12. Before releasing the crime scene, advise the owner of the potential infection risk and suggest that the owner contact the local Health Department for advice.
13. Warning labels shall be placed on all plastic evidence bags to go to the crime laboratory.

VI. VACCINATIONS

- A. The Department affords all officers who have occupational exposure to hepatitis B the opportunity to take the HBV vaccination series at no cost within 10 working days of assignment to an occupationally exposed duty. The vaccination shall be provided only after the officer has received Departmental training in communicable diseases, is medically fit for the vaccinations, and has not previously received them.
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VII. OCCUPATIONAL EXPOSURE TO COMMUNICABLE DISEASES

A. Notification

1. All officers shall, as soon as practicable, document possible exposure to infectious fluids or materials. In any case, officers shall immediately notify their supervisor of possible exposure.
2. Examples of such exposure are:
 - a. Direct contact with bodily fluids on chapped or open areas (cuts or abrasions) on the skin or on mucous membranes (i.e., eyes, mouth).
 - b. Direct mouth-to-mouth resuscitation (CPR) without use of a one-way valve.
 - c. Receiving a cut or puncture wound as a result of searching or arresting a suspect or handling contaminated evidence.

B. Testing

If an officer of the Department is exposed to the bodily fluids of a person who has or is suspected to have a communicable disease, the officer must be evaluated for evidence of infection by a licensed physician.

1. The person whose bodily fluids came into contact with an officer may state that he or she has AIDS. Often, a person may try to prevent police from withdrawing blood for drug screening (as in a DUI arrest), although, in fact, he or she is not infected at all. While the Department cannot coerce a citizen--suspect or otherwise--to take periodic tests for infection, the Department **will** try to convince the citizen who may have transmitted infection to do so.
2. Officers should understand the difficulty of transmitting HIV, HBV and HCV. If infection control measures have been followed, the risk is very low.

- C. Testing for presence of infection shall be done if indicated by a medical assessment (after an incident involving the possible transfer of blood or other bodily fluids). The following information details testing methods and their reliability.

1. **AIDS/ARC/HIV:**

- a. Blood tests can detect HIV antibodies (produced by the body's immune system).
- b. The two common tests for HIV antibodies are the ELISA (Enzyme-Linked Immunosorbent Assay) and the Western Blot. Since the ELISA is less expensive and easier to perform, it is usually used as a first screen for HIV. If the ELISA identifies the person as seropositive, a second ELISA is performed. If the second test is also positive, a Western Blot is usually performed to confirm the results.
- c. Since HIV antibodies may not develop for some months after a person has been infected, an initial negative result may not mean freedom from infection. High false positive rates also occur with the use of only ELISA tests.
- d. One must be tested, immediately following the incident (for a baseline) and then six and twelve months later.
- e. The Department shall ensure that the officer receives qualified counseling during the testing period.

2. **Hepatitis B:** A blood test can confirm the presence of hepatitis B virus six to eight weeks after exposure. See Section VI above.

3. **Tuberculosis:** This disease is detected first by a skin test, then confirmed by an x-ray. A licensed physician can order this test for the exposed officer. (Some local health Departments may do the test.)

D. **Confidentiality**

Confidentiality of information concerning test results is paramount. The victim has a right to privacy in employer-maintained information about his/her health. No need exists for a supervisor routinely to know that an officer tests positive (for HIV or HBV, OR HCV). The Department views a breach of confidentiality as a serious disciplinary problem which may result in suspension or termination of employment.

1. Under most circumstances, medical authorities will retain confidential records unless the officer tested authorizes or state law requires release of information.

E. Positive Test Results

1. Any officer who tests positive for HIV or HBV, or HCV shall not be summarily removed from duty. The Department shall make no restrictions simply because of diagnosis. These diseases are not spread by casual contact (as between coworkers in the Department). The Department shall alter an officer's assignment only when he or she can no longer perform the required duties.
 - a. The Department shall ensure continued testing, if necessary, of officers for evidence of infection, and shall provide psychological counseling if necessary.
2. Any officer who tests positive for tuberculosis may be medically restricted from working for a period of time. The medical evaluation will determine the stage and type of disease the officer has contracted and if he/she is contagious. A tuberculosis-infected officer requires medication and shall not return to work until the doctor says he/she is non-communicable. (Tuberculosis is easily transmitted and incidence has recently shown a slight increase. After exposure to tuberculosis, an officer may, after a medical evaluation, take medicine to help prevent the disease.)

F. Job Performance

1. Communicable disease-infected officers shall continue working as long as they maintain acceptable performance and do not pose a safety or health threat to themselves or others in the Department.
 - a. Where feasible, an officer who has medical complications from a communicable disease will either be reassigned to another job, if available, or have his/her job restructured so that he/she can remain employed. As necessary, medical documentation shall support requests for job restructure or reassignment. All officers shall treat such afflicted officers in the same manner as officers who suffer from other serious diseases or handicaps: that is, fairly, courteously, and with dignity.
 - b. The Department may require an officer to be examined by a licensed physician to determine if he/she is able to perform his/her duties without hazard to him/herself or others.

G. Federal Law

Officers infected by communicable diseases may be protected by the federal Rehabilitation Act of 1973.

H. Discrimination

The Department expects all officers to continue working relationships with any fellow officer recognized as having AIDS/ARC, Hepatitis B, Hepatitis C, or non-communicable tuberculosis. The Department will consider appropriate corrective or disciplinary action against an officer who threatens or refuses to work with an infected officer or who disrupts the Department's mission.

I. Records

The agency maintains a record for each officer detailing incidents of occupational exposure, including information on vaccination status; the results of examinations and tests; health care professionals' written opinion; and any other relevant information. These records are retained by the Chief of Police in secure storage, and **shall not be disclosed or reported without the express written consent of the affected officer.**

VIII. TRAINING

- A. Education on communicable diseases shall be continuous in the Department. The Chief of Police or his designee shall ensure that all officers of the agency with occupational exposure shall receive a course of instruction on bloodborne diseases before their initial assignment. Further, each affected officer will receive refresher training plus any additional training deemed appropriate to the particular officer's assignment.
- B. The Chief of Police or his designee shall retain complete records on instruction of officers to include dates of training; content of sessions; names and qualifications of trainers; names and job titles of attending officers.
- C. The Chief of Police or his designee is responsible for dissemination of updated information to all officers and for appropriate updated educational programs about communicable diseases. These programs shall include at a minimum:
 - 1. Written information concerning AIDS/ARC/HIV, Hepatitis B, Hepatitis C, and tuberculosis in the form of brochures, bulletins, memorandums, or fact sheets.
 - 2. Group and/or individual presentations and discussions provided by adequately trained personnel or experts from outside the Department.
 - 3. Local resources for further medical and law enforcement information.

4. For more information, personnel may at any time contact:
- a. National Hotline for AIDS - 1-800-342-AIDS
 - b. AIDS Info Hotline - 1-800-533-4148
 - c. AIDS Update (Dept. of Health and Human Services) 1-202-245-6867
 - d. AIDS Clearinghouse (America Responds to AIDS) 1-800-342-7514
 - e. National Institute of Justice AIDS Clearinghouse 1-301-251-5500
 - f. State and local public health Department
 - g. Local American Red Cross
 - h. Forensic laboratories

AIDS-RELATED CONCERNS OF PERSONNEL

<u>ISSUE</u>	<u>INFORMATION</u>
Human Bites	A person who bites is typically the one who gets the blood; viral transmission through saliva is highly unlikely. If bitten by anyone, gently milk wound to make it bleed, wash the area, and seek medical attention.
Spitting	Viral transmission through saliva is highly unlikely.
Urine/feces	Virus isolated in only very low concentrations in urine; not at all in feces; no cases of AIDS or HIV infection associated with either urine or feces.
CPR/first aid	To eliminate the already minimal risk associated with CPR, use masks/airways; avoid blood-to-blood contact by keeping open wounds covered and wearing gloves when in contact with bleeding wounds.
Body removal	Observe crime scene rule: do not touch anything; those who must come into contact with blood or other body fluids should wear gloves.
Casual contact	No cases of AIDS or HIV infection attributed to casual contact.
Any contact with blood	Wash thoroughly with soap and water; for bodily fluids clean up spills with 1:10 solution of household bleach.
*Source: Adapted from:	<u>AIDS and the Law Enforcement Officer: Concerns and Policy Responses</u> by Theodore M. Hammett, Ph.D., National Institute of Justice, U.S. Department of Justice, June, 1987.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 719 Diplomatic Immunity/Consular Notification	
	Effective Date:02/01/2023	Replaces:06/1/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

The Terrell Hills Police Department has the responsibility to follow Federal and State laws regarding the detention and arrest of foreign nationals and distinguish the difference on who can claim diplomatic immunity. The Department must also be aware when a consular must be notified when a foreign national is detained, arrested or dies while in the officer's custody and control

II. PURPOSE

To establish procedures and guidelines when detaining, arresting or other matters when a foreign national requests diplomatic immunity or the person's consular must be notified. Under Federal law, diplomatic and consular officers, members of their official staff, officials of international organizations such as the United Nations and family members of such officers will be accorded their respective privileges, rights and immunities as provided by the Treaties and laws of the United States. Any incident involving persons claiming diplomatic or consular immunity or a family member of a diplomatic or consular official will be reported immediately through the chain of command. Serious incidents, (i.e., felonies, DUI's and misdemeanors involving death or serious bodily harm) involving persons with diplomatic or consular immunity will be referred to the District Attorney for prosecution.

III. DIPLOMATIC IMMUNITY

- A. Under Federal law, heads of a mission (usually called the Embassy) of a foreign government to the United States and the United Nations Headquarters in New York, members of the diplomatic, administrative and technical staff of the mission and members of their family household are "not liable to any form of arrest or detention." This does not extend to United States citizens who are employed by an embassy.
- B. Persons entitled to diplomatic immunity are entitled, by law, to be treated with "due respect" and "appropriate steps must be taken to prevent any attack on his person, freedom or dignity."
- C. Under normal circumstances, this means that a person who establishes that he or she is entitled to diplomatic immunity cannot be arrested or tried for any criminal offense unless such immunity is expressly waived by the foreign government.

IV. COUNSULAR IMMUNITY

- A. In addition to members of their embassy staff, foreign governments may with the approval of the United States, establish consular offices to provide consular services to their foreign nationals in the United States and to represent them.
- B. There are two types of consular officials, career consuls and honorary consuls.
 - 1. Career consuls are normally full time employees of the foreign government.
 - 2. Honorary consuls may be a citizen of the foreign government who has residency in the United States or a United States citizen.
- C. In the absence of a specific treaty, consular officials are not entitled to diplomatic immunity, but they are entitled to consular immunity which is more limited than diplomatic immunity.
- D. Career consular officers entitled to consular immunity:
 - 1. Consul-generals, deputy consul generals, consuls, vice consuls and consular agents who are official representatives of a foreign government accredited to the United States.
 - 2. "Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority." A "grave crime" is a felony offense that endangers the public safety and a warrant is required.
 - 3. Career consular officers are subject to criminal prosecution by the courts of this State except for acts performed which are within the scope of consular duties.
- E. Honorary consuls are not entitled to immunity from arrest or detention. They are subject to the civil or criminal jurisdiction of the courts of this State unless they were performing official acts in the exercise of their consular function.
- F. Family members of consular officers are not entitled to immunity but will be treated with appropriate courtesy and respect. Incidents involving family members of consular officials will be reported through channels the same as for consular officials.

V. PROCEDURES

- A. In all cases where a person who is known to be entitled to or asserts diplomatic or consular immunity, the on duty supervisor will contact the United States State Department immediately to verify the person's status and seek official guidance.
- B. Career consular officials may only be arrested for a felony pursuant to a warrant issued by a judge.
- C. Traffic Violations – Under international law, the issuance of a traffic citation does not constitute an arrest or detention. Therefore, the officer on the scene may, after ascertaining that the official has the proper credentials and based on the nature of the offense may issue a warning or citation. A copy of the citation along with a report of the incident will be forwarded through the chain of command to the United States Department of State in Washington D.C..

- D. Traffic Accidents – If a motor vehicle involved in an accident was operated by a person who has verified diplomatic or consular status and bears diplomatic or consular motor vehicle license plates issued by the United States Department of State, a copy of the accident report, together with a copy of any traffic citations issued to the person entitled to diplomatic or consular status and the report of the incident will forward through the chain of command to:

OFM Diplomatic Motor Vehicle Office
3507 International Place, N.W.
Washington, D.C. 20008

- E. Vehicles issued Department of State license plates are required to be covered by liability insurance.

- F. Driving Under the Influence and other offenses where the safety of the Official or public is involved- The primary consideration is to insure that the official is not a danger to themselves or the public. If the supervisor determines at the scene that the official is a danger to themselves or others, the supervisor may direct that:

1. The official be taken off the street to a safe location where he/she may recover sufficiently to drive safely;
2. The official be taken to a telephone or have him call someone to come to the location and drive them home;
3. Call a taxi for the official and secure his vehicle to a safe location;
4. Or, have the official transported home by the officer if it is feasible.
5. The officer may request that the official to take a field sobriety test to determine his driving ability while awaiting the verification of his status.
6. If the incident involves a person entitled to diplomatic immunity, the supervisor will contact the United States Department of State, Office of Protocol by telephone immediately and advise them of the situation. A written report will submitted within 24 hours through channels to:

Office of Protocol
Department of State
Post Office Box 2976
Washington, D.C. 20520

7. For consular officials, the same procedures as “6” above will be followed.

- G. Protection of Officials from harm to themselves or others and/or preventing further criminal activity:

1. If a person asserting or is entitled to diplomatic or consular immunity and he presents a clear and present danger to him/herself or others, an officer may take such reasonable actions as may be necessary to protect public safety and the person entitled to immunity or to prevent further illegal activity.
2. If it is necessary to physically restrain the person (i.e. handcuff), the office will explain to the official why he/she is being restrained and that they will be released as soon as they are no longer a danger to themselves or others.

3. The supervisor will immediately contact the US State Department on the incident. The supervisor will also report the incident through the chain of command and notify the District Attorney.

H. Possession of Contraband

1. If a person asserting diplomatic or consular immunity is in possession of contraband, (i.e., controlled substances), the officer may seize the contraband.
2. Any seizures will be reported to a supervisor immediately. The supervisor will contact the District Attorney and the US State Department, Office of Protocol by telephone and advise them of the situation. A full written report will be submitted within 24 hours through the chain of command to:

Office of Protocol
Department of State
Post Office Box 2976
Washington, D.C. 20520

- I. Contact Telephone Numbers – In situations in which an official asserting immunity cannot produce satisfactory evidence thereof, or the officer wishes to confirm the status claims, the United States Department of State should be contact at:

- a. Regular Hours;

.....Diplomats and families	202-647-4510
.....Diplomatic employees & families	202-647-1405
.....Consular personnel & families	202-647-1404
.....International Organizations	202-647-1402
.....After hours all	202-647-7277

J. Official guests of the United States – Official guests of the United States are foreign nationals who are in the United States and are so designated by the US Secretary of State. Official guests can include:

1. Foreign government officials;
 2. Olympic athletes, coaches and trainers;
 3. Members of the International Olympic Committee accredited to the games;
 4. Members of international sports federations accredited to the games;
 5. Immediate family members of official guests;
 6. Foreign officials accredited to the games.
- a. Official guests do not have immunity. A supervisor should be contacted immediately and the supervisor in turn will contact the District Attorney.
 - b. The supervisor will submit a report of any incident in which a person designated as an Official Guest of the United States is involved (either as an accused, victim or witness) through the official channels to:

United States State Department
101 Marietta Street, N.W.
Suite 1010
Atlanta, Georgia 30303
Telephone: 404-331-3521 or 202-647-7277

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K. Diplomats, Consuls or Official Guests as Victims or Witnesses to a Crime:

1. Contact a supervisor immediately;
2. The supervisor will immediately contact:
 - a. In cases of diplomats and official guests, the regional office of the FBI and the US Department command post at 202-663-0812. The FBI has primary jurisdiction over offense committed against diplomats and official guests. The local District Attorney should also be contacted.
 - b. In the case of a consul, the District Attorney and the US State Department will be contacted. If the person is a career consul, the FBI should also be contacted.
3. If a diplomat, career consul or official guest is a witness to a crime, a supervisor will be notified immediately.
 - a. A person entitled to diplomatic or consular immunity may not be detained as a witness but the officer should promptly obtain the witness's name and telephone number where the official may be contacted later.
 - b. The District Attorney will be notified in writing as soon as possible that one of the witnesses is a diplomatic, consul or official guest. Any interviews will be coordinated through the District Attorney's office.

L. Arrests of Foreign Nationals – Citizens of other nations who reside in or are visiting are subject to all Federal, State and Local laws. Foreign nationals who are arrested will be treated in the same manner as US citizens.

1. If the foreign national who is arrested is in possession of a passport, visa, border crossing card, resident alien card or alien registration card, the arresting officer shall make a copy of the documents and attach them to the arrest/booking report.
2. By law, if a citizen of the following countries is arrested, the supervisor or his/her designee will notify the nearest consulate or the embassy of the arrest and the accused will be told that his or her embassy or consulate has been contacted. Notification will be made at the time the accused is booked.
3. Citizens of other countries should be permitted to contact his/her country's embassy or the nearest consulate. The accused will be informed of this right at the time of the arrest but no later than during booking at the jail.
4. If the officer contacts an embassy or consulate for the arrested person, the officer will note the time and the name of person contacted at the embassy in the arrest report and offense/incident report.
5. If the accused is a foreign national and a juvenile who is not accompanied by a parent or legal guardian, the Immigration and Naturalization Service will be notified at the same time as the Juvenile Court.
6. If the person is arrested for a felony, the US Immigration and Naturalization Service (INS) will be notified and provided with the name of the accused and the nature of the charges. It will be the responsibility of the INS to notify the appropriate consulate or embassy if one of their citizens has been taken into custody by INS. INS contact information is:

US Immigration and Naturalization Service
77 Forsyth Street, Suite G-89
Atlanta, Georgia 30303
Telephone: 404-331-2765

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 720 Civilian Observer Program	
	Effective Date:02/01/2023	Replaces:06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

This policy sets guidelines for the Civilian Observer Program. This program is a valuable education tool for students and citizens wishing to learn about duties relating to the law enforcement profession.

The guidelines for this program are as follows and will be strictly enforced.

- A. Civilian Observer and Release form will be completely filled out.
- B. Must be 18 years of age.
- C. Criminal History Check done on observer.
- D. Must have no arrest record.
- E. Family members may not ride in same vehicle.
- F. Appearance will be neat and clean. (No jeans or T-shirts)
- G. One ride along per year unless prior approval from the Chief.
- H. Release forms will be signed by a patrol supervisor & the Chief.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 721 Traffic Enforcement	
	Effective Date:2/01/2023	Replaces:6/1/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Traffic law enforcement involves all activities or operations which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. It is the policy of this Department that motor vehicle stops shall be performed professionally and courteously, and with an emphasis towards educating the public about proper driving procedures while recognizing and taking steps to minimize the dangers involved in this activity for the officer, the motorist and other users of public roadways and highways. Traffic enforcement serves to accomplish continued good community relations and compliance with the law.

Overzealous enforcement, however, without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the Department and the community it serves. The emphasis of an officer's traffic enforcement should be placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic.

II. PURPOSE

It is the purpose of this policy to establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the officer and the motorist.

III. PROCEDURES

A. Types of Enforcement Actions

1. Warnings:

Warnings may be either oral or written, both of which are legitimate enforcement actions. Warnings are a very effective tool in enforcing traffic law compliance and are encouraged to be used frequently and liberally. Warnings are also encouraged when the act may be due to ignorance of a local ordinance which may be a unique violation, or a violation of which the driver may not be aware. A properly administered warning can be more effective than any other type of enforcement.

2. Summons:

A Municipal Court Summons (citation) should be issued only for serious or repeat violations of traffic infractions that are committed on public streets and alleyways.

3. Physical arrest:

Physical arrest for traffic violations is discouraged; however officers may make a physical arrest, in compliance with the Texas Code of Criminal Procedure in the following circumstances:

- a. Violations of traffic laws pertaining to driving under the influence of alcohol or other intoxicants.
- b. Whenever a felony has been committed involving a vehicle.
- c. In other circumstances in which arrest is allowed by the Texas Code of Criminal Procedure and Fourth Amendment jurisprudence.

B. Handling Special Categories of Violators

1. Juveniles:

Officers issuing a traffic summons to a juvenile offender shall advise them as to their options regarding prepayment or court appearance and that a parent or guardian must accompany them when they appear before the court.

2. Foreign/diplomats/families/servants, and other consular officials:

- a. Diplomatic immunity is granted by the United States Government under provisions of the Vienna Convention on Diplomatic Relations. Generally, these provisions apply to two classes of immunity:
 - (1) Diplomats and members of their families enjoy full immunity.
 - (2) Employees of diplomatic missions and with respect to acts performed in the course of their official duties.
- b. The burden is on the diplomat to claim immunity and show valid credentials.

3. The lieutenant governor and members of the Texas Legislature:

- a. During the session of the Texas Legislature, the lieutenant governor, a member of the Legislature shall be privileged from custodial arrest except for treason, a felony, or a breach of the peace. Officers may issue traffic summonses for a moving offense or for a DUI offense.

4. **Members of Congress:**

- a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.
- b. If a member of Congress is stopped for a traffic infraction, he/she shall, upon presentation of valid credentials, be immediately released. The officer may then obtain a summons for the member of Congress covering the observed violation and make arrangements to serve the summons at a time when the member of Congress is not in transit to or from Congress, or on official business.

C. **Information Regarding Traffic Citations**

(1). All officers will use the Department's designated Municipal Court Summons whenever the officer has elected to issue the violator a citation in lieu of a warning. Officers shall make every reasonable attempt to obtain all required information and place same in the appropriate fields on said summons. Under no circumstances shall any officer use a summons/citation book from a Justice of the Peace Precinct Court or sign/co-sign another agency's ticket as the complaining officer or witness.

(2) In the event an officer starts to issue a traffic summons or parking citation and then voids it for whatever reason, the officer shall turn in **ALL** copies of the summons or citation along with a written memo detailing why the summons/citation was voided. The voided summons/citation will then be forwarded directly to the Municipal Court.

IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

A. Speed Violations

Officers must clearly demonstrate the violator's speed in court. Appropriate speed may depend on location of violation (congested area, city, school zone, construction zone, etc.) as well as weather conditions and time of day.

B. Other Hazard Violations

Consider the degree of hazard, place, previous accident history of location, current directed patrol emphasis.

C. Equipment Public Carrier/Commercial Vehicle Violations

Consider congestion, lack of parking, and carrier needs for delivery access. In the case of repetitive violators, officer should strongly consider citing the violator.

D. Other Non-Hazardous Violations

Consider a warning unless violation is repetitive or flagrant.

V. TRAFFIC LAW ENFORCEMENT PRACTICES GENERAL

A. Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their normal duties.

1. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
2. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
3. Directed patrol instructions can specify enforcement in a particular area, on a line patrol, or at a specific location, depending on the nature or volume of the hazard/violations.
4. Mere stationary observation, may be used as a technique to obtain voluntary compliance with traffic laws. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the marked patrol vehicle will serve to remind drivers of the need for compliance with traffic laws.

B. Objectives of Traffic Stops

There are two major objectives of a traffic stop. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental and physical condition, along with the facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer. Enforcement procedures shall minimize conflict which may develop between the officer and violator and assist in achieving the two major objectives, which are:

1. to take proper and appropriate enforcement action; and
2. to favorably alter the violator's future driving behavior.

C. Traffic Violator/Officer Relations

1. Followed in all traffic stops:
 - a. Be alert at all times for the unexpected;
 - b. Be absolutely certain the observations of the traffic violation were accurate;
 - c. Present a professional image in dress, grooming, language, bearing, and emotional stability;
 - d. Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available; and

- e. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude. In most cases, decide on the formal enforcement action before contacting the violator. Exceptions include stopping an out-of-state driver committing a violation that would not be a violation in his jurisdiction, such as right turn on red light. The officer may then decide to issue a warning rather than a citation.
2. Before making a vehicle stop:
- a. Maintain a reasonable, safe distance between the vehicle and the police unit;
 - b. Select a safe location to stop the vehicle;
 - c. Activate emergency lights and, when necessary, intermittent use of the siren/air horn to signal the vehicle to stop;
 - d. Advise the dispatcher of the intention to stop the particular vehicle, giving:
 - (1) location of the stop; and
 - (2) vehicle's license plate number and color/make/model of vehicle
 - e. Officers shall position the police vehicle approximately one-half to one car length behind the violator's vehicle. The police vehicle shall be positioned so that it will offer the officer some protection from oncoming traffic. Generally, when the violator stops on the right side of the roadway, this position shall be two feet to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer, and all other traffic.
3. Additionally, when stopping a vehicle in which the occupant(s) is (are) deemed to present a hazard to the officer's safety:
- a. request a backup unit and calculate the stop so that the backup unit is in the immediate area before making the actual stop;
 - b. train the unit's auxiliary lights (spotlight and alley lights) on the occupant(s) of the vehicle when applicable; and
 - c. when necessary use the unit's public address system to give the occupant(s) of the vehicle instructions.

4. Hazards:

- a. On multi-lane roadways, the officer shall insure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
- b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer shall direct him to move to a safer location. Officers shall use the public address system to instruct violators to move to a safer location. If the officer's oral directions and gestures are misunderstood, the officer shall quickly leave the patrol vehicle and instruct the violator.

5. Approaching the violator:

The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (intoxicated driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Under ideal conditions, these procedures should be followed:

- a. The officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
- b. The officer shall approach from the rear of the violator's car, looking into its rear seat and stop behind the trailing edge of the left front door. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping him only in a position of tactical disadvantage and at the same time keep all occupants of the vehicle in view.
- c. In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach to the leading edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
- d. In traffic stops made by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write all notes and messages relayed from the communications center, and during the traffic stop shall leave the vehicle and act as an observer and cover for his fellow officer. At no time shall the two officers approach the violator together.

- e. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop, signaling the violator (the spotlight shall not be used except in what officers perceive as dangerous situations), and positioning the police vehicle. After the stop, the head lights shall be on low beam for the safety of oncoming traffic, and emergency bar lights and emergency flashers in use on the patrol vehicle (as well as during the day).

6. Communicating with the violator:

In transacting his/her business with the violator, the officer shall observe the following rules:

- a. Greet the violator courteously, addressing them by appropriate title;
- b. Inform the violator why they were stopped and request the violator's driver license and proof of insurance, and only accept these two items.
- c. If the driver has no driver's license, obtain another document of identification, or obtain the driver's full legal name and date of birth (required to check for driver license via computer);
- e. Allow the driver to discuss the violation, but do not argue, debate, berate, belittle, or otherwise orally abuse the violator;
- f. Advise the violator what action will be taken for the violation, and complete the forms required, if applicable, for the enforcement action taken.
- g. Explain to the violator exactly what is required in response to the action taken.
- h. If the enforcement action requires a court appearance, make sure the violator knows where/ when to appear, or who to contact for any questions.
- i. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated and/or the violator may need to calm down before resuming driving.
- j. Do not unreasonably delay violators on traffic stops unless mitigating circumstances (warrant hits/confirmations etc) and most stops should be limited to no more than eight (8) minutes in duration.

7. Concluding the transaction:
 - a. Have the violator sign the summons or written warning, and provide them with the violator's copy, if applicable,
 - b. Return the driver license and proof of insurance to the violator and release them.
 - c. Assist the violator in safely re-entering the traffic flow.
 - d. Do not follow the violator once they have re-entered the traffic flow.

D. Stopping a Known or Suspected Felon

Special procedures shall be used in vehicle stops when the occupants are known to be armed and dangerous. When a vehicle driven by a known or suspected felon is located by an officer, the officer shall notify the appropriate dispatcher immediately of location and give a thorough description of the vehicle and its occupants. The officer shall keep the suspect vehicle in view and request sufficient assistance before making the stop.

The officer shall keep support units informed of the location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle shall not be stopped unless absolutely necessary until adequate support is available and in position. Rare circumstances may, however, dictate a one-officer felony vehicle stop.

The following procedures shall be used in effecting the stop:

1. The officer shall plan to stop the suspect vehicle in a location that presents minimal danger to other citizens.
2. When conditions are appropriate and support units available, the officer shall move into position to the rear of the suspect vehicle.
3. The officer shall signal the violator to stop, using all emergency equipment to warn other traffic.
4. The violator shall be stopped on the extreme right side of the road.
5. If the violator is known to be armed and dangerous, the officer shall have his weapon easily accessible and ready for immediate use.
6. When the suspect vehicle begins to stop, the officer shall turn off the siren and turn on the public address system.
7. The officer shall park the police vehicle so that it provides maximum protection and cover.
8. At night, the officer shall focus all lights on the interior of the suspect vehicle.
9. The officer shall exit the police vehicle quickly and safely, but remain behind the door and accessible to the public address system microphone.

10. The officer making the stop is in command of the stop. First, the officer shall order the driver to shut off the motor and drop the keys on the ground outside the driver door. Next, the officer shall order occupants to place their open hands, outside the vehicle window closet to them. Officer shall then order occupants to backed up to the sound of officer's voice, ordered to lie face down on the ground with their hands out to their sides and palms rotated up and open.
11. If a public address system is not available, the lead officer shall give voice commands if they can be heard; if this fails, the lead officer shall cautiously approach the vehicle, keeping all occupants in view, to a point where he can be heard.
12. To reduce confusion, the lead officer shall instruct support officers, as appropriate, and shall be the only officer to direct the suspects.
13. The support officers shall cover the arresting officer and remain on the curb side of the vehicle until all occupants are in the search position.
14. Officers shall exercise extreme caution to avoid one another's line of fire.
15. When all occupants have been removed from the vehicle, the support officers shall move to cover the arresting officer while the persons are searched.
16. Arrestees shall be searched and handcuffed before transportation.
17. Occupants who are not to be arrested may be detained for a reasonable time under applicable Fourth Amendment Jurisprudence.

E. Speed Enforcement

Excessive speed is the second greatest cause of death and injury on the American highways. An officer shall uniformly enforce speed laws within the City Limits of Terrell Hills. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.

1. Radar:

Radar shall not be used for "filler" or "slack" officer time, but shall be applied where vehicle speed is a hazard to other motorists or pedestrians. The following guidelines govern the use of radar which shall always be operated in compliance with manufacturer's instructions.

- a. The radar unit must be properly installed in the vehicle and connected to the appropriate power supply.
- b. Officers using radar must have attended a traffic radar certification class.

- c. The radar unit shall be properly calibrated to insure accuracy in checking speed. The officer must follow the manufacturer's recommended specific methods for checking calibration without exception. If any problems with the operation of the radar units or apparent malfunctions are encountered, that radar unit shall not be used and shall be promptly reported to the Chief of Police. That radar unit will not be utilized until serviced and re-certified by factory-trained repair technicians. Whenever possible, the radar unit should be checked for calibration before and after the issuance of each speeding citation with the times noted on the officer's daily log.
- d. In court, officers must establish the following elements of radar speed:
 - (1) the time and location where the violation took place, the description of the vehicle and the identity of the operator, and the visual and radar indicated speed of the vehicle.
 - (2) officer qualifications and training in use of radar;
 - (3) proper operation of the radar unit that was used;
 - (4) proof the unit was tested for accuracy before use and after use by an approved method;
 - (5) speed limit in the zone in which officer was operating and;
 - (6) clearly posted speed limit signs
- e. The Chief of Police or his designee is responsible for the proper care and upkeep, maintenance, and calibration of radar units, maintenance of records, and that appropriate certificates are retained.
- f. When working stop sign enforcement the officer will have the in-car video system turned on and record the violation. This does not prohibit the officer from writing a citation when circumstances do not allow the officer the ability to capture the violation on video.

VI. D.W.I. ENFORCEMENT PROCEDURES

A. General

Under Texas Law, intoxication is defined as not having the normal use of physical or mental faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substances into the body. Driving under the influence of intoxicants is an offense generally associated with leisure-time activity. Consequently, most arrests are made during the evening hours or in the early morning hours after taverns close or social gatherings end. Although the intoxicated driver may be observed any day of the week, weekends and holidays reflect an increase of offenses and arrests.

B. Laws

It is unlawful for any person to drive or operate any motor vehicle, engine, or train while under the influence of alcohol, or while under the influence of any narcotic drug of any nature. The term motor vehicle shall include pedal bicycles with helper motors (Mopeds), while operated on the public highways of this State.

C. Responsibilities

Each officer shall be alert for suspected DWI offenders, both on patrol and in selective enforcement areas. He/she shall use standardized roadside sobriety tests. In addition, standard blood-alcohol measuring procedures, if available, shall be offered to each suspected driver.

D. Intoxilyzer

1. The Intoxilyzer is the only accepted instrument used by police officers to measure an individual's blood-alcohol level through the use of a breath sample for the purposes of DWI.
2. Only a State-Licensed Intoxilyzer Operator shall administer any breath test to which the violator has consented.

E. Sobriety Tests

1. Only Field-Sobriety Certified Officers shall administer sobriety tests , which must consist of a minimum of three field sobriety tests from the most commonly administered tests below:
 - a. Horizontal Gaze Nystagmus
 - b. Walk and Turn.
 - c. One-leg stand.
 - d. Reciting of alphabet.
 - e. 10 count.
 - f. Finger Count (Forward and Reverse)
1. Officers may employ additional tests, but they must be performed in the same order and manner ***every time***.
2. If the operator fails the field sobriety tests, the operator may be arrested for driving under the influence, and offered an intoxilyzer test.

F. Arrest

The arresting officer shall:

1. Advise the violator that he/she is under arrest and process accordingly as per established department policy.
3. The officer shall make a full written report of the circumstances of the DWI arrest, formation of probable cause, and witnesses' observations. This will include all required DPS forms in addition to those required of this agency and the appropriate prosecuting authority.

G. Blood Test Procedure

1. The officer will complete the required affidavit to secure a blood warrant, and take such affidavit and have signed by a magistrate of Bexar County.
2. Once the affidavit is signed by a magistrate granting the blood warrant, the violator will be taken to the designated area at the magistrate's office and a blood sample will be drawn by specially trained personnel.
3. The arresting officer shall also witness the taking of the blood sample and ensure that the blood sample is submitted in compliance with the Bexar County District Attorney's Office Blood Submission Guidelines.

H. Breath Analysis

1. Chemical analysis of a person's breath shall only be performed Texas Licensed Intoxilyzer Officers, issued by the Texas Department of Public Safety. This may include the arresting officer or anyone participating in the arrest. In the event the breathalyzer machine is inoperable or a licensed operator is not available, this test is deemed not available.
2. The type of equipment and the methods used to perform breath analysis shall be in accordance with the regulations of the Texas Department of Public Safety.
3. The arresting officer is responsible for insuring that all appropriate paperwork and reports are obtained from the testing officer and transmitted to the appropriate court or prosecuting authority.

VII. SPECIAL TRAFFIC PROBLEMS

A. Identification and Referral of Driver Recommended for Reexamination

During routine traffic law enforcement activities, officers frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled, or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In all such cases, a Law Enforcement Medical Evaluation Request may be made to the Texas Department of State Health Service on the applicable form, a copy of which will be attached to the officer's incident report detailing facts and circumstances leading up to such request for inquiry.

B. Pedestrian and Bicycle Safety

1. The Chief of Police shall review the traffic accident records at least annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program. The Chief may recommend enforcement measures including steps to:
 - a. reduce or eliminate human environmental factors leading to accidents;
 - b. reduce or eliminate the behavior, decisions and events that lead to the accidents.

C. Off-Road Vehicles

1. Accidents involving off road vehicles that do not occur on a public highway do not require a traffic accident report.
2. Any officer observing an unlicensed off-road vehicle on the highways that cannot be operated legally on public highways shall order it removed, and enforce appropriate laws.
3. Officers shall enforce compliance with vehicle registration laws as they pertain to off-road vehicles.
4. Officers shall enforce laws, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks, or property. Golf carts are considered motor vehicles and can only be operated on city streets by licensed drivers. Unlicensed drivers will be issued citations for operating a golf cart without a driver's license. In instances where an unlicensed juvenile driver is detained for operating a golf cart on a public street, the officer will cite the driver and request that a responsible party come to the scene to take possession of the golf cart and driver. The responsible party will also be cited for allowing an unlicensed driver to operate the golf cart on a public street.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 722 Municipal Court Summons Books	
	Effective Date: 2/01/2023	Replaces: 6/1/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

To provide for the secure storage and accountability for all Municipal Court summons books and establish a means for tracking a summons by number.

II. PURPOSE

The purpose of this policy is to establish procedures for securing, issuing, and the ability to track all Municipal Court Summons.

III. PROCEDURES

A. Secure Storage

1. Municipal Court summons books will be securely stored in the Sergeant's office.
2. Summons books will only be issued to officers by the Patrol Lieutenant or Sergeants.
3. All summons books will be signed out by number on the Municipal Court Summons Log indicating the officer's name, date issued, beginning number, and ending number of summons book.
4. The Patrol Lieutenant and sergeants will be responsible for the accountability, security, as well as the maintenance of the sign-out log.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 723- Traffic Accident Investigations	
	Effective Date: 2/1/2023	Replaces: 6/1/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

A primary objective of the Terrell Hills Police Department is the reduction of motor vehicle accidents and the prevention of injuries or fatalities associated with such. To accomplish this, the Terrell Hills Police Department performs a variety of functions such as providing emergency service to the injured, protecting the accident scene, conducting accident investigations and follow-ups, preparing reports, and taking proper enforcement action. The purpose of accident investigations is to determine the cause of an automobile crash and use the information to develop enforcement or preventions that will reduce accidents. Accident reports are used by the Department of Public Safety, the Department of Transportation at the state level and by the local municipalities to study the frequency of crashes at any given time, location, and the causes, as well as the road conditions that existed at the time. The reports are also used to develop selective enforcement programs, engineering studies and to promote street and highway safety.

II. PURPOSE

The purpose of this policy is to establish guidelines for the proper handling of traffic accidents and for the collection and use of data that will help reduce automobile accidents resulting in property damage, injury, or death.

III. PROCEDURES (TBP 7.16)

A. Accident reporting and investigation:

1. Texas Transportation Code requirements concerning the reporting of traffic accidents include:
 - a. TRC 550.026 The driver of any vehicle involved in an accident resulting in death or injury shall immediately notify law enforcement officials.
 - b. TRC 550.062 A law enforcement officer investigating an accident resulting in injury or death or apparent property damage in the amount of \$1000.00 or more shall complete and submit a report on the required approved form.
 - c. TRC 550.062 Officers who investigate an accident for which a report must be submitted, either at the time of and at the scene of the accident, or thereafter and elsewhere by interviewing participants or witnesses, shall submit accident report by the end of their shift.
2. An officer shall respond to and prepare a report of the accident involving any of the following:
 - a. Death or injury;
 - b. Property damage in excess of \$1000.00;
 - c. Hit and Run;
 - d. Impairment due to alcohol and drugs;
 - e. Hazardous materials;
 - f. Any accident involving city/county property, vehicles, equipment or facilities;
 - g. Any accident where either driver cannot produce a driver's license or proof of liability insurance.
3. Officers shall also be assigned to respond to any accident involving disturbances between drivers/passengers or which create major traffic congestion as a result of the accident or where vehicles are damaged to the extent that towing is required. Patrol vehicles may be assigned to any other accident not listed above to assist persons involved with information exchange. Time permitting, officers may investigate and report these accidents as supervisors direct.

B. Responding to the Accident Scene:

1. Officers shall respond non-emergency to minor accident scenes unless the situation or supervisor directs otherwise;
2. Officers shall make an emergency response to major accident scenes where there exists injuries or major road/highway blockages or where information provided indicates the immediate need for an officer to arrive on the scene;
3. The officer(s) responding shall park their vehicles as necessary to protect victims and the accident scene while still leaving room for ingress/egress for emergency vehicles.
4. Whenever possible, (2) officers shall respond to all accidents, and may request additional officers if needed for assistance.

C. Accident scene responsibilities

1. The first officer to arrive at the accident scene shall perform the following:
 - a. Administer emergency medical care (basic life support measures) pending the arrival of Fire/EMS personnel;
 - b. Summon additional help as required (officers, wreckers);
 - c. Protect the accident scene;
 - d. Preserve short-lived evidence (broken parts, skid marks);
 - e. Establish a safe traffic pattern around the scene;
 - f. Locate witnesses and recording key accident information;
 - g. Expedite removal of vehicles, persons and debris from the roadway except for fatal accidents.
2. The officer assigned to an accident shall have the responsibility and authority to request assistance from any other officers as needed. The officer becomes the primary investigating officer in charge at the scene unless the supervisor deems it more appropriate to assign another officer the responsibility.
3. In case of accidents that occur on private property, accidents reports need not be filled out if property damage does not exceed \$1000.00 unless the supervisor directs.

IV. PROCEDURES – Accident Scene

A. Collecting information

1. At the scene of the accident, the investigating officer shall gather appropriate information to generate a report. Information to be collected at the scene may include but is not limited to the following:
 - a. Interview principals and witnesses and secure necessary identity/address information;
 - b. Examine and record vehicle damage;
 - c. Examine and record the effects of the accident on the roadway or off the roadway and on private or public property;
 - d. Take measurements as appropriate;
 - e. Take photographs as appropriate;
 - f. Collect and process evidence;
 - g. Exchange information among principals.

B. Follow-up Activities

1. Follow-up activities which may be necessary include the following:
 - a. Obtain and record formal statements from witnesses;
 - b. Re-construct the accident;
 - c. Submit evidentiary materials for laboratory examination;
 - d. Prepare accident or offense reports to support charges arising from the accident.
2. In a particularly serious accident involving severe injuries, fatalities, or multiple vehicles, it may be necessary to summon an expert or seek technical assistance from photographers, surveyors, mechanics, physicians, accident crash team specialists or other specialists. Expert accident and/or reconstruction assistance shall be requested through a supervisor from the Bexar County Sheriff's Department, or the Texas Department of Public Safety.
3. At the accident scene, the officer may take immediate enforcement action and issue a citation for any observed violations. In death cases, the district attorney may decide the appropriate charge(s).
4. If the investigating officer concludes that the accident was caused by a person driving under the influence of intoxicants (DWI) and the defendant is still at the scene, the DWI arrest shall be made before transporting the person.

5. If the accident results in injuries or fatalities and the driver is concluded to be under the influence of intoxicants (DWI), a mandatory blood draw will be administered to the driver during the arrest process.
6. If the driver is transported to the hospital before the officer arrives and the officer later concludes that the driver was impaired by introduction of intoxicants (DWI), an arrest warrant shall be obtained. If the driver is hospitalized, the warrant will be served when the driver is released.
7. In other traffic-related investigations, when the officer leaves the scene of the offense and later identifies an offender or offense, an arrest warrant may be obtained. The citation can be issued at the hospital after the accident scene has been processed.

C. Accident scene procedures

1. Upon notification of an accident, the officer assigned shall proceed promptly depending on injuries. The patrol vehicle shall not be parked at the scene in a manner that will endanger other pedestrians or motorists. The officer shall consider using the vehicle as a shield to protect the scene as well as him, herself, or others. The officer shall leave the vehicle emergency lights on at all times.
2. At all times when investigating an accident on the streets or highways, or when directing traffic at such scene, all officers shall wear the approved reflector safety vest. (TBP 7.17)
3. Officers may use flares to create an illuminated warning pattern and alert other drivers. *Note: flares may be dangerous and inappropriate at accident scenes where hazardous materials are present. In addition, officers should use caution when using flares during severe droughts conditions, where dry roadside vegetation could ignite.

4. In case of fire danger from leaking or ruptured gas tanks or where accidents may involve hazardous material, the on-scene officer shall immediately summon the fire department.
 - a. All patrol vehicles are equipped with a copy of the current emergency response guidebooks to aid in identifying vehicles carrying hazardous materials. The guidebook illustrates hazardous materials placards and identifies and describes the relevant hazard, appropriate emergency procedures and evacuation procedures.
 - b. Any officer arriving at the scene of such an accident who observes hazardous material placards shall immediately summon the fire department. The Fire Chief will assume command of the incident involving hazardous materials and all officers shall provide support as required. The investigation of the accident shall begin after approval by the Fire Chief.
5. Any property belonging to accident victims shall be protected from theft or pilferage. If the owners are not present, it shall be taken into custody, tagged, and held for safekeeping until the victim claims it.
6. Any person clearing a wrecked or damaged vehicle from a highway is required to remove any glass or other injurious substance dropped upon the highway. Where the quantity of accident debris is too great for the wrecker operator to accomplish, the Terrell Hills Maintenance Department shall be requested to the scene to assist. The Terrell Hills Fire Department shall assist in washing off combustible substances.
7. If either driver is not present at the accident scene, do not assume that it is a hit and run unless further inquiry indicates the possibility. Perform the following actions if the incident appears to be a hit and run:
 - a. As soon as practicable, transmit the description of the vehicle and driver to dispatch, along with the direction of travel and time elapsed since the incident;
 - b. Process the accident as a crime scene.

D. Accident report

1. A report shall be submitted on all accidents that occur on public property or publicly accessed private property within the city limits if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1000.00 or involves government operated vehicles). Public property is any highway, roadway, street, alley, or public parking lot maintained by the state, county, or city.
 - a. Publicly accessed private property is a private access way or parking area provided for a client of a business, but not residential property or private parking where a fee is charged for parking.
2. In the event of an accident that occurs on private property, an accident report may be submitted if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1000.00 or involves government operated vehicles).

E. Disabled Vehicles

1. Officers shall not push any vehicle with a patrol vehicle, and are discouraged from doing so by hand to prevent injury, unless immediately necessary and sufficient personnel are available to do so safely.
2. Officers may connect jumper cables to a patrol vehicle to start other vehicles if the officer is skilled in doing such.
3. Officers shall direct motorists who are low on gas to the nearest gasoline station. If the vehicle is completely out of fuel and no service station is available, the officer will summon a towing service to the scene to assist the motorist.
4. In the event a vehicle is not drivable due to damage or mechanical considerations, the City's contracted wrecker-Texas Towing Service- will be summoned to the scene to tow the vehicle.
5. If the disabled vehicle is not subject to impound for any reason, the vehicle may be towed to a service facility of the owner's choosing at the discretion of the wrecker driver, and at the owner's expense.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 726 Alarm Response	
	Effective Date: 2/1/2023	Replaces: 6/1/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

It is the policy of the Terrell Hills Police Department to respond to and investigate all non-fire and non-medical alarm notifications without undue delay. This includes all alarms that are called in by an alarm company central monitoring station, those called in by a third party, and those where an officer happens to be alerted by the alarm's audibility. With the implementation of free-text dispatching and the elimination of the series 10-codes by the Alamo Heights Police Department, all alarm calls will be broadcast verbatim.

II. PURPOSE

To establish response procedures and responsibilities for the handling of various types of alarm activations.

III. Types of Alarms

1. Burglar

A protected opening, area, or zone is interrupted or breached. Can be either a private residence or commercial establishment.

2. Panic/Duress

An intentionally or accidentally activated alarm, indicating trouble or panic, by use of a remote transmitter or keypad activation, at a private residence.

3. Robbery

An intentionally or accidentally activated alarm by either a remote transmitter, hidden activation button, or cash drawer circuit. Limited to commercial establishments such as convenience stores, restaurants, banks, etc. during normal business hours.

4. Fire/Medical Alarms

IV. Officer Response

1. Unless made aware that someone is in immediate danger, an officer's response to burglar or panic/duress alarms will consist of routine driving, however responding officers will not delay their response unnecessarily.
2. Response to any robbery alarm will be as safely and quickly as possible utilizing vehicle emergency equipment if needed. Such response will not be without due regard for the officer's own safety as well as that of other motorists or pedestrians.
 - a. If utilizing emergency equipment, officers must exercise caution in order to not alert any possible offenders.
3. Since the primary responsibility for fire and medical alarms lies with the Fire Department, officers will respond via routine driving unless exigent circumstances exist, or the scene is not secure.
4. Whenever possible, two officers will respond to all burglar, panic/duress, or robbery alarms.
5. During periods of severe weather, the on-duty supervisor may suspend all responses to alarms until the severe weather event has passed and officers are able to safely respond.

V. Responsibilities

A. Burglar/Panic/Duress

1. Officers will park in a tactically advantageous position as to not alert any possible offenders of their arrival.
2. Officers will carefully check the exterior of the building or residence to determine if there is any evidence of entry.
 - a. Officers are cautioned not to jump/scale high fences or gates unless exigent circumstances exist.
3. If a door or window is found unsecure, open, or exhibits indications of being forced:
 - a. The dispatcher will be advised, and the channel closed except to emergency traffic.
 - b. A minimum of two officers will make entry and clear the building.
 - c. Determine if a key holder is needed and attempt contact via dispatch.
 - d. If no key holder available, attempt to secure the opening if possible.

- e. Complete and leave a yellow THPD Contact card in an inconspicuous place.
4. Upon completion of the call, officers will advise the dispatcher to assign the appropriate encode for the call and log the call on the officer's daily.
5. If investigation reveals a burglary has taken place, the reporting officer will handle the scene appropriately.
6. In the event there are repeated or continued activations at a particular location within a short duration of time, the on-duty supervisor may authorize a patrol-by for future activations during his/her shift after the location has been checked and found secure.

B. Robbery Alarms

1. Officers will plan arrival and park in a tactically advantageous position as to not alert any possible offenders and ensure officer safety.
2. The dispatcher will close the radio channel except to other emergency traffic.
3. Officers will carefully observe the premises before advancing and be on the lookout for anyone fleeing or secondary accomplices or lookouts.
4. Officers will have dispatch attempt to make contact with an employee or supervisor inside the establishment and have them step outside to contact officers if possible.
5. Officers will verify that all is in order or take appropriate actions if it is determined that an actual robbery has taken place.
6. Unless immediate threats to the lives of others exist, or no other options are available, officers will not initiate a hasty entry into any establishment where the possibility of unknown perils exists.
7. Upon completion of the call, officers will advise the dispatcher to assign the appropriate encode for the call and log the call on their daily, unless the call is determined to have been an actual robbery.

C. Fire/Medical Alarms

1. Once the scene is secure, the primary responsibility of responding officers is the safeguard of emergency equipment at the scene and traffic control if necessary.

2. Officers may assist fire/medical personnel as requested.
3. In the event of pending non-emergency calls, an officer may leave once the scene is secure and with the approval of the on-duty fire officer in charge.
4. In the event of a pending emergency call, an officer may leave immediately and shall notify the dispatcher who in-turn will notify the on-duty fire officer via radio that the officer has left.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 740 Investigations	
	Effective Date: 2/01/2023	Replaces: 6/01/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

The primary purpose of an investigation is to collect facts leading to the identification, arrest, and conviction of an offender and to organize and present the facts for a successful prosecution. The single most important criterion which determines a successful investigation is correctly obtaining and handling information supplied by a victim or witness immediately after the crime. The Department expects officers to treat investigations as a skill developed through training and experience, a skill that demands intelligence, logic and discipline.

Not every preliminary investigation will result in the identification of a suspect, an arrest, or the recovery of property. The solution of crimes often is a function of the physical evidence left at the scene or information provided by victims and witnesses. Follow up investigations are therefore necessary. Because our resources are limited, prioritization of investigative resources is an unfortunate necessity. While all cases will be evaluated for solvability by the Criminal Investigations Division, CID will therefore strive to investigate those crimes that are the most serious in nature and those that have the highest likelihood of solution.

PURPOSE

To establish guidelines for the general conduct of preliminary and follow-up investigations.

I. PROCEDURES - PRELIMINARY INVESTIGATIONS

A. General

The preliminary investigation begins when the first unit arrives at the scene of a crime (or a citizen requests assistance by a telephone) and continues through the intervention of detectives or other specialized officers.

B. A preliminary investigation consists of, but is not limited to, the following activities:

1. Providing aid to the injured.
 2. Protecting the crime scene to ensure that evidence is not lost or contaminated;
 3. Determining if an offense has actually been committed and, if so, the exact nature of the offense;
 4. Determining the identity of the suspect or suspects and effecting an arrest if it can be accomplished either at the scene or through immediate pursuit;
 5. Furnishing other officers with descriptions, method, and direction of flight of suspects, and other relevant information concerning wanted suspect or suspects or vehicles;
 6. Obtaining complete identification of all witnesses;
 7. Determining in detail the exact circumstances of the offense;
 8. Arranging for the collection of evidence;
 9. Legally obtaining written statements from victim, witnesses, and from the suspects;
 10. Deciding the necessity of follow-up surveillance of the crime scene; and
 11. Accurately and completely recording all pertinent information on the prescribed report forms.
- C. The initial stages of all preliminary investigations, including crime scene processing, shall be conducted by responding officers, and investigators if requested. In certain serious crimes, investigators from the Texas Rangers Service, the Texas Department of Public Safety, or other appropriate enforcement agencies may, at the discretion of the Chief of Police, be requested to assume responsibility for completion of investigation.

1. Supervisory Responsibilities

The sergeant or the senior officer on duty shall ensure that an adequate and complete preliminary investigation has been made, and review, screen, and approve the officer's report. Screening shall include a review of facts to ensure that all essential information indicating a criminal act is included, along with legibility, clarity, and completeness.

2. Crime Scene Control

Officers shall limit access to crime scenes to those persons immediately and directly connected with the investigation. Investigating officers shall apply this rule to other officers of the Department, other agencies, the media or the community regardless of rank or position. Everyone, without exception, who enters a crime scene shall have their name, agency, badge number, time of entry, time of departure noted on a log-in form maintained by the officer assigned to secure the scene. Officers entering the scene will also generate a supplement report on all action taken at the scene.

II. PROCEDURES - FOLLOW-UP INVESTIGATIONS

A. Serious offenses such as homicides, sexual assaults, burglaries with forced entry, robberies, major disasters, hostage situations, bombings, and kidnappings shall be followed up by investigators. Officers conducting preliminary investigations of such offenses shall contact the investigator as soon as practicable. The Chief of Police may request other agencies to assist in, or assume responsibility for, these and other offenses.

B. Occasionally, additional investigation will be required at the end of the tour of duty of the assigned officer. In such cases, the assigned officer's immediate supervisor shall determine whether the investigation should be discontinued until the assigned officer's next tour of duty or continued by the investigating officer, or an officer on the relieving shift.

C. Except in cases where the investigation would be jeopardized by its temporary discontinuance, it shall remain the responsibility of the assigned officer.

D. A supplemental report must be prepared by each officer who works on the case, detailing his or her actions on that case. The reporting officer and investigations supervisor shall maintain a file to ascertain that supplemental reports are submitted as required.

E. On major offenses, each officer who responds shall submit a supplement detailing what that officer saw or heard as it pertains to the offense.

F. A follow-up investigation consists of, but is not limited to, the following activities:

For a Non-Criminal Case:

1. Interviewing complainants and witnesses.
2. Locating missing persons.

3. Determining if information or suspicious activity relates to criminal activity.
4. Distributing information to the proper persons or agencies.
5. Locating lost property and returning same to the owner.
6. Investigating deaths, overdoses, suicides and injuries to determine if a crime was committed.
7. Making necessary notifications, conducting necessary inspections, etc.
8. Recording information obtained.

For a Criminal Case:

1. Reviewing and analyzing reports of preliminary investigations.
2. Recording information obtained during a follow-up investigation.
3. Reviewing Departmental records for investigative leads.
4. Seeking additional information (from other officers, informants, contacts in community, other investigators/agencies, etc.).
5. Interviewing victims and witnesses.
6. Interrogating suspects.
7. Arranging for the dissemination of information as appropriate.
8. Planning, organizing, and conducting searches.
9. Collecting physical evidence.
10. Recovering stolen property.
11. Arranging for the analysis and evaluation of evidence.
12. Reviewing results from laboratory examinations.
13. Identifying and apprehending the offender.

14. Checking for suspect's criminal history.
15. Determining if other crimes may have been committed by the suspect.
16. Consulting with the Bexar County District Attorney's office in preparing cases for court presentation and assisting in the prosecution thereof.
17. Notifying victims and witnesses when their presence is required in court.
18. Attendance to testify in court.
19. Plan, organize, obtain warrants for, and conduct searches.
20. Arrange for polygraph examinations, if necessary.

III. SOURCES OF INFORMATION

A. General

Officers, through their routine performance, must cultivate sources of information from which to draw in an investigation.

B. Informants

Information is available from many sources, e.g., concerned citizens who wish to remain anonymous, criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in criminal activities. These sources shall be kept in mind when conducting investigations and related interviews. Officers are cautioned to determine the motivation of people who provide information in order to evaluate it.

1. The Terrell Hills Police Department will utilize information gained from witnesses, concerned citizens, criminal, and friends or family of those involved in criminal activities, or any other reliable source of information.
2. The Terrell Hills Police Department does not recruit or utilize paid informants.

C. Interviews and Interrogation

1. Field interviews:

Field interviews are a productive tool and source of information for the Police Department. They shall be used only in the pursuit of legitimate goals for the Department and not to harass citizens. When used properly they can discourage criminal activity, identify suspects, and add intelligence information to the files of known criminals. In-car video/audio and body worn cameras may be used.

2. Victim-witness interviews:

- a. The trauma/stress to which the victim or witness has been subjected shall be considered and the interview conducted in such a manner as to reduce stress and minimize further problems.
- b. The age, physical limitations, and credibility of witnesses shall also be considered.
- c. Child victims and witnesses may need to be interviewed by child S.A.F.E.

3. Interrogation of suspects: (TBP 7.05)

Interrogations to obtain investigative leads can be very useful, but all constitutional precautions must be taken and recorded if the interrogation is to be used in court later. Formal interrogations shall be limited to the Criminal Investigations Division, and officers who have received specialized training in conducting such interrogations or statement taking.

Detailed notes, an audio, or an audio-visual recording shall be made of all interrogations for court use giving time, date, location, officers present, waiver of Miranda rights, and time interrogation began, and time ended. Statements obtained during an interrogation must not be based on coercion, promises, delays in arraignment, or deprivation of counsel. In order to use a statement in court, a suspect shall be advised of his ***Miranda*** rights, and the officer must be able to demonstrate that the suspect understood those rights. Juvenile victims, witnesses, and suspects must be given the same constitutional protection as adults. The following additional safeguards shall be followed:

- a. Parents or guardians shall be notified whenever a juvenile is interrogated, taken into custody, or charged.
- b. The number of officers engaged in the interrogation shall be kept to a minimum. The interrogation shall be short.
- c. A brief explanation of the juvenile justice system and Departmental procedures shall be provided.
- d. Refer to juvenile procedure for magistrate.

D. Collection, Preservation and Use of Physical Evidence

Officers must realize that physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.

1. All officers are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their charge.

IV. RELATIONSHIP WITH PROSECUTORS

- A. All personnel are required to make appointments in advance, be on time, have subject for discussion ready, and keep conversations brief.
- B. In every contested case, misdemeanor or felony, the officer involved shall keep an appointment with the prosecuting attorney or his assistant to discuss the case before trial.
- C. During any investigation (or during planning for arrest or pretrial stages), any questions of law or criminal procedure shall be addressed to the prosecuting attorney. Questions on police procedures shall be addressed to the Chief of Police.

V. ORGANIZED/VICE CRIMES AND POLICE INTELLIGENCE INFORMATION AND COMPLAINTS

- A. Officers may receive information on or complaints regarding organized crime, vice, or matters of law enforcement intelligence demanding investigation. Organized crime and vice activities and areas of police intelligence interest may include any of the following:
 1. Corruption, extortion, bribery;
 2. Illegal sale and distribution of liquor, tobacco, firearms, or controlled substances;
 3. Prostitution, pornography;
 4. Gambling;
 5. Theft/fencing rings;
 6. Loan sharking or labor racketeering; or
 7. Terrorism, subversive activities, civil disorders;
- B. Officers receiving such information shall prepare an incident/information report that shall include the following information:
 1. Type of illegal/suspected activity, location, names and addresses of suspects involved and information concerning the activities.
 2. If complainant, name, address, and telephone number.

- C. Initially, the reporting officer shall conduct no preliminary or follow-up investigation, but shall personally contact the CID Supervisor concerning the reported information.
 - 1. The CID Supervisor shall confer on the case with appropriate state, federal, or local law enforcement agencies, if necessary.

VI. DISPOSITION OF CASES

- A. The investigating officer shall maintain files of all cases assigned to him. All case files shall be appropriately labeled with the case number, offense, location, and date.
 - 1. The file shall contain the original incident report, any supplementary reports, statements, reports of disposition of any property stolen, confiscated, recovered, or otherwise pertinent to the case, plus arrest reports, and anything else the investigator deems pertinent.
- B. When the investigation is complete, the investigator shall close the case under (and include in the file a statement giving) one of the following labels:
 - 1. Cleared - an arrest has been made in this case.
 - 2. Closed- Complainant will not prosecute; County attorney will not prosecute; perpetrator is dead; subject arrested by another jurisdiction and no charges will be placed by the Department.
 - 3. False Report - the reporting party intentionally lied or made up the incident, and through investigation determined the offense did not occur.
 - 4. Inactive - all leads have been exhausted. No further investigation is possible or practical until new leads develop.
 - 5. Unfounded – through investigation, it was determined that the offense did not really occur, although at the time of the original report, it was reasonably believed to have occurred.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 741 Crime Scene Processing	
	Effective Date: 2/01/2023	Replaces: 06/2023
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

It is the policy of the Terrell Hills Police Department that all officers understand and follow applicable procedures established herein to effectively protect, collect and preserve evidence of a crime and conduct initial investigative and other essential tasks at major crime scenes.

II. PURPOSE

The actions taken by patrol and investigative officers at crime scenes often determine the course and success of a criminal investigation. Initial responding officers play the lead role by protecting the crime scene, rendering emergency services and initiating the investigation. Thus, it is the purpose of this policy to provide officers with guidelines for responding to and dealing effectively with the operational demands at crime scenes.

III. PROCEDURES

A. Initial Response

Initial responding officers shall initiate the preliminary investigation and perform tasks as designated below until otherwise directed by a superior officer, detective or other officer specifically assigned to investigate the offense.

1. In transit to crime scenes, officers shall be cognizant of suspects/vehicles that may be in flight.
2. Upon arrival, verify that a crime has been committed and relay essential information to other responding officers and/or other agencies.
3. Summon emergency medical assistance if required and take those steps necessary to protect victims or others.

4. If appropriate, arrest the perpetrator if at the scene. A decision to leave the crime scene to arrest or pursue the perpetrator should be made based on weighing the immediate needs of victims and others against the safety of the public if the perpetrator were allowed to escape.
5. Provide other officers and agencies with such information as:
 - a. nature of the crime committed;
 - b. description of the perpetrator and mode/direction of flight;
 - c. description of any vehicle used by the offender and any accomplices;
 - d. use of firearms or other deadly weapons; and
 - e. any support required at the crime scene.
6. Identify any witnesses to the crime, secure their identities and request that they remain present at the crime scene until they can be interviewed.
 - a. Where reasonably possible, obtain the identities of any other persons who were present upon arrival at the crime scene.
 - b. Note the license tags of vehicles parked near the crime scene and be aware of suspicious persons on hand at or near the crime scene.
7. Provide superior officers and any other investigative personnel arriving on the scene with complete information on the offense and the measures taken thus far by officers and others.
8. Patrol officers will handle basic crime scene processing such as latent printing, photography, and basic evidence collection, packaging, and labeling etc. at non-major crime scenes, as contained within their scope of training and proficiency level.

B. Preservation of the Crime Scene

1. Responding officers shall enter crime scenes only for purposes of aiding victims or bystanders in need of immediate assistance, apprehending perpetrators or securing the area. Other entries shall be permitted only under direction of a supervisor or officer in charge of the investigation.
 - a. Officers making initial entries for the above purposes shall, where feasible, avoid touching, walking upon, moving objects, or otherwise altering or contaminating the crime scene.

2. Define the boundaries of the crime scene to include all areas that may reasonably be searched for evidence. As necessary, considering the nature and seriousness of the crime, officers should:
 - a. request backup assistance to restrict access to the crime scene and control any on-lookers;
 - b. erect barricade tape, rope or cordon off, lock or otherwise secure the immediate crime scene and restrict access to defined crime perimeters;
 - c. record any alterations made at the crime scene due to emergency assistance to victims, the actions of persons reporting the crime, handling of any items of evidentiary value or other actions; and
 - d. If feasible, photograph overall views of the crime scene so that its condition may be recorded in the event of spoliation.
3. Restrict all persons from the crime scene who are not directly involved in the investigation. The officer in charge of the scene shall ensure that the identity of all persons entering the crime scene is recorded in accordance with the Terrell Hills Police Department policy regarding investigations.
4. The on-duty supervisor is responsible for notifying and requesting assistance from the Criminal Investigations Division for all major crime scenes, if necessary. The investigators of the CID Division are trained and skilled in advanced crime scene processing and evidence collection. (TBP 12.02)
5. Homicides and other major crime scenes should be approached only as needed in a single defined line in order to avoid destruction of footprints and other impressions and the contamination of scent trails that may be useful in canine searches. The “place last seen” of kidnapped or missing persons should also be protected in a similar manner.

C. Collection of Evidence

Unless urgent circumstances exist or authorization of the on-duty supervisor is received, initial responding officers at major crime scenes shall not engage in collection of items of potential evidentiary value. Officers may engage in the following tasks as directed by the on-duty supervisor at the scene.

1. The chain of possession of all evidence shall be clearly and completely documented in accordance with agency policy beginning with initial collection, packaging, and labeling at the crime scene.
2. Officers shall search the crime scene—in a manner or method prescribed by the OIC—for any items that may establish how the crime was committed or who committed the crime. This may include but is not limited to:
 - a. unusual objects or objects found in unexpected or unusual locations; and

- b. weapons, tools, clothing, stains, blood spatters, fingerprints, footprints, tire or tool mark impressions, broken glass, fibers, soil or other items or substances.
3. Officers shall comply with this agency's policy and procedures on "Evidence Handling" for purposes of properly photographing, preserving, packaging and labeling criminal evidence.

D. Interviewing Witnesses

Witnesses at the crime scene shall be identified and preliminary interviews conducted as soon as possible. As soon as possible, the neighborhood surrounding the crime scene should be canvassed in order to identify additional witnesses or others who may have some knowledge of the crime. The purpose and scope of these interviews is to gather as much basic information as possible about the crime at the earliest point possible in order to identify the perpetrator and establish the basis for the follow-up investigation.

E. Crime Scene Reporting

Officers conducting the preliminary and follow-up investigations shall complete appropriate reports in accordance with agency policy. At a minimum, reports shall include:

1. date and time of arrival at the scene;
2. any relevant weather or situational conditions at the scene to include the status of the crime scene upon arrival (e.g., fire, crowds, and initial observations);
3. how the crime was discovered and reported and the relationship of reporting individuals to victims or others if appropriate;
4. identity of other officers or emergency personnel present upon arrival and those who responded to the crime scene thereafter;
5. physical evidence discovered and officers responsible for collection (special note should be made of any valuables collected at the scene, such as currency or jewelry);
6. name, address and telephone number, or other appropriate identification of witnesses to the crime;
7. results of interviews with victims and witnesses to include in particular the identity or best possible description of suspects, method of operation, means of escape and any other pertinent identifying information;
8. diagrams, sketches, photographs, video tape or other similar information made at the scene or the identity of officers or civilians who made such recordings; and

9. recommendations for further investigation such as the names of witnesses or others who may be able to provide additional information.
- F. It is contemplated that some major crimes occurring in the City of Terrell Hills may be investigated by the Texas Ranger Service or other State or Federal law enforcement agencies at the request of the Chief of Police. In those cases, Terrell Hills officers will assist the investigating agency with scene control in the manner lawfully directed by the investigating agency.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 742 Sex Offender Registration	
	Effective Date: 2/01/2023	Replaces: 6/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Police Departments are required by law to register sex offenders who intend to reside within their jurisdiction. Citizens of our city expect the Department to be protective of their children by registering registered sex offenders and ensuring they comply with the terms of their court-imposed requirements. The Terrell Hills Police Department will meet those expectations by accurately registering sex offenders, conducting periodic compliance checks to ensure offenders are complying with their requirements, and prosecuting those who fail to do so.

II. PURPOSE

To define procedures for sex offender registrations and compliance checks.

III. PROCEDURES

A. Sexual Offender Registration

1. The Terrell Hills Police Department Criminal Investigation Division will handle all sexual offender registrations.
2. Sexual Offender registrations require the following steps:
 - a. Texas Department of Public Safety Sex Offender registration forms;
 - b. Two DPS fingerprint cards are completed
 - c. Two photographs are taken of the offender,
 - d. Two photographs are taken of the offender's vehicle,
 - e. All required forms sent to Department of Public Safety and copies will be maintained in the case file.

3. If the sexual offender is convicted of the sex offense after September 1, 1995, the following steps are taken for public notification:
 - a. Public notification of the sexual offender's registration is made On the Texas Department of Public Safety website in the following circumstances:
 - i. The offender's victim is a child younger than 17 years of age,
 - ii. The basis on which the person is subject to registration is not an adjudication of delinquent conduct or deferred adjudication,
 - iii. It is not a conviction under section 25.02 of the Penal Code (Prohibited Sexual Conduct).
 - b. The public notice contains the following information:
 - i. The person's age and gender,
 - ii. A brief description of the offense for which the person is subject to registration,
 - iii. The municipality, street name and zip code number where the person intends to reside.
 - iv. A recent photograph or a website where the photograph may be viewed;
 - v. The subject's numeric risk level
4. If the sexual offender's victim is a child younger than 17 years of age (regardless of the basis on which the person is subject to registration), notification is made to the superintendent of the school district in which the person subject to registration intends to reside. A copy of the letter to the superintendent is placed in the offenders file.
5. The notice to the superintendent includes any information that is determined to protect the public except the following:
 - a. The offender's social security number, driver's license number or telephone number,
 - b. Any information that would identify the victim of the offense for which the person is subject to registration.
6. No public notifications or notice to school superintendents are made on sexual offenders that are juveniles or that were convicted as a juvenile offender.

B. Sex Offender Compliance Checks

- 1. Under CCP 62.06, Sex offenders subject to registration are also required to report periodically and at a frequency dependent upon the number of convictions. The Department shall maintain a schedule to ensure these offenders report as required and if an offender fails to report properly, shall investigate to determine if a violation has occurred.**
- 2. At least annually, the Criminal Investigations Division personnel will locate the sex offender and update the offenders file with:**
 - a. A new photograph**
 - b. New employment information.**
 - c. Any new descriptive information (weight, scars, tattoos, etc)**
- 3. If the offender cannot be located, an investigation will be conducted to determine if terms of registration have been violated and if so, a criminal case filed and a warrant issued.**

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 743 Eyewitness Identifications	
	Effective Date:2/1/2023	Replaces:6/2020
	Approved: Gail Baham Chief of Police	
	Reference: 7.32	

I. POLICY

Eyewitness identification is a frequently used investigative tool. This Policy is designed to maximize the reliability of identifications, minimize unjust accusations of innocent persons, and to establish evidence that is reliable, and which conforms to established legal procedure.

II. PURPOSE

It is the purpose of this policy to establish department guidelines for photographic line-up identification and field identification procedures. The procedures in this policy are applicable when a person is known to an investigator and is suspected of criminal involvement in the incident under investigation.

III.DEFINITIONS

- A. Administrator.** The person charged with presenting a photographic line-up to a witness.
- B. Assigned Investigator.** The officer primarily responsible for investigating an incident.
- C. Blind Administrator.** An administrator who does not know the identity of the suspect or the suspect's position in the photographic line-up.
- D. Blind Manner.** The presentation of a photographic line-up by either a blind administrator or a blinded administrator.
- E. Blinded Administrator.** An administrator who may know the identity of the suspect, but does not know the suspect's position in the photographic line-up.

- F. Field Identification.** The presentation of a suspect to a witness following the commission of a crime for the purpose of identifying and/or eliminating a possible suspect.
- G. Fillers.** The photographs used in a photographic line-up whose race, sex, age, height, weight, hair style, and general appearance resemble the suspect.
- H. Illiterate Person.** An individual who speaks and understands English but cannot read and write English.
- I. Interpreter.** An individual with the necessary skills that enable them to communicate with an illiterate person or a person with limited English proficiency to the degree they can ensure the person clearly understands all instructions given then prior to viewing a suspect in any identification procedure.
- J. Live Lineup.** The presentation of individuals, including a suspect, in person to a witness, usually in a manner preventing the individuals from seeing or identifying the witness, for the purpose of identifying and/or eliminating suspects.
- K. Person with Limited English Proficiency.** An individual who is unable to communicate effectively in English with a level of fluency that is typical of a native English speaker. Such a person may have difficulty speaking, reading, or writing in English and includes persons who can comprehend English, but are physically unable to write.
- L. Photographic Line-up.** A collection of photographs including a suspect photograph and *filler* photographs that are placed in random order and shown to a witness for the purpose of identifying and eliminating suspects.
- M. Simultaneous Viewing.** An identification procedure in which all photographs are shown at the same time to a witness.
- N. Suspect.** An individual who has been specifically identified by the investigation as possibly being the person who committed the crime.
- O. Witness.** A term referring to a complainant, victim, eyewitness, or any other form of witness to an incident.

IV. GENERAL PROCEDURES FOR LINE-UPS

- A. Live line-ups will not normally be used due to the difficulty of administration and the difficulty in obtaining sufficient number of individuals with similar physical characteristics. Should an investigator determine a need for a live line-up, the investigator should contact the District Attorney for procedural and technical assistance and the line-up should be carried out with the intent of this policy in mind.
- B. Photographic Line-ups are approved for use by this department if the following procedures are followed. Photographic identification of suspects by witnesses should supplement other investigative actions and/or evidence.

V. PREPARING PHOTOGRAPHIC LINE-UPS

- A. The Assigned Investigator is responsible for:
 - 1. Preparing the photographic line-up, including selecting the fillers and ensuring each of the photographs are numbered or lettered for later reference.
 - 2. Determining before any presentation if the witness is deaf, illiterate, or has limited English proficiency. If the witness is deaf, illiterate, is non-English speaking, or has limited English proficiency, the investigator will arrange for assistance to translate the Photographic Lineup Form in the language of the witness or otherwise assist the witness in understanding the instructions before proceeding. The identification of the assisting individual will be documented as well as the assistance provided.
 - 3. Obtaining a sworn law enforcement officer who is familiar with the contents of this policy and understands the line-up presentation process to act as a blind administrator of the line-up.
 - 4. Preserving the photo line-up, whether an identification is made or not, together with full information about the identification process for future reference, by placing the photos in their original condition, the Photographic Lineup Form, and audio/video recording, if used, of the administration process into evidence after the procedure.
 - 5. Preparing the photographic line-up; the Assigned Investigator should:
 - a. Include only one suspect in each identification procedure.

- b. Select fillers that generally fit the witness' description of the perpetrator. Fillers should be selected where no person stands out from the others.
- c. Use photographs of individuals who are reasonably similar in age, height, weight and general appearance and of the same sex and race. Avoid use of fillers that so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- d. If multiple photos of the suspect are reasonably available to the investigator, select a photo that resembles the suspect's description or appearance at the time of the incident.
- e. Include a minimum of five fillers per identification procedure.
- f. Avoid reusing fillers in lineups shown to the same witness if showing a new suspect.
- g. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness. Do not mix color and black and white photos.
- h. Use photos of the same size and basic composition. Mug shots should not be mixed with other photos. If mug shots are to be used, cover any portions that provide identifying information about the subject.
- i. All individuals in the photographic line-up and/or the origin of the photos should be known to the investigator, if possible.
- j. Photos should be reasonably contemporary.
- k. Do not use more than one photo of the same suspect.
- l. If there is more than one suspect, include only one suspect in each line-up presentation.
- m. View the array, once completed, to ensure that the suspect does not unduly stand out.

B. The Administrator is responsible for:

- 1. Ensuring they are familiar with the contents of this policy and the line-up presentation process.

2. Ensuring the photographic line-up is presented in a manner consistent with this policy.
3. Documenting the conduct and results of the line-up presentation in the manner approved within this policy.
4. Returning all line-up materials and documentation to the assigned investigator.

VI. PRESENTING PHOTOGRAPHIC LINE-UPS

- A. It is the intent of this department to present all photographic line-ups to witnesses in a blind manner and using a sequential presentation of the photographs. Photographs will be shown one at a time on separate numbered pages.
- B. Police personnel present at the presentation should not make any suggestive statements or take any other actions that may influence the judgment or perception of the witness.
- C. Prior to beginning the presentation, determine if the witness has seen the suspect at any time since the crime occurred (whether in person, or in newspaper or television reports, etc.) If so, contact the assigned investigator to determine if the identification process should continue. Document this action in the supplement report.
- D. Provide the witness with a Photographic Lineup Form and explain the instructions for the line-up. Instructions given the witness prior to viewing a photographic line-up can facilitate an identification or non-identification based on the witnesses' memory. Read the instructions and admonitions verbatim from the form and obtain the witness' signature indicating they understand the procedure, and sign the form as Administrator. Ensure the witness understands the instructions before proceeding.
- E. Show the witness the photographs and simply ask if they see the person who committed the crime. Report the findings to the assigned investigator after the completion of the procedure.
- F. If the witness identifies a suspect, record the number or other identification of the photograph, and ask the witness for a statement of how confident they are about their identification.

- G. Complete the Statement of Witness portion of the form, including documenting the witness' confidence statement in their own words, regarding how certain they are of any identification. Have the witness complete and sign the appropriate portion of the form. Return all files, photographs and forms to the assigned investigator and complete an offense supplement on the identification procedure.
- H. Do not provide any feedback of any kind at any time during the procedure. If the witness asks whether they picked the right person, a blind administrator will respond that he or she is unaware of which photograph is a suspect and which are fillers and a blinded administrator will advise it would compromise the case to inform a witness of the procedures results.

II. DOCUMENTATION OF PHOTOGRAPHIC LINE-UPS

All photographic line-ups will be documented in the method reasonably available to the administrator at the time of presentation. Acceptable methods of documentation include:

- A. Video and Audio Recording
- B. Audio Recording
- C. Written documentation of the Line-up Presentation process.

In all cases, the administrator will, at a minimum, document in an offense supplement report the details of the line-up presentation process and result, and return the supplement, the Photographic Line-up Form, any video/audio recordings, and all original photographs and documents to the assigned investigator.

III. FIELD IDENTIFICATION PROCEDURES

The use of field identification should be avoided whenever possible in preference for the use of a photographic or live lineup. If there is some question regarding whether an individual stopped in the field may be the right suspect, an attempt at field identification may prevent the arrest of an innocent person. Therefore, when circumstances require the use of field identification the following guidelines should be followed:

A. Procedures to Using Field Identifications

1. Supervisory approval should be obtained prior to any Field Identification. The officer is responsible for ensuring the witness is able to understand the instructions given by officers. If the witness is deaf, illiterate, or has limited English proficiency, the officer will provide for an interpreter or other assistance, or not continue with the field identification.
2. Single suspect field identification shall not be used if there is adequate probable cause to arrest the suspect.
3. A complete description of the suspect should be obtained from the witness prior to conducting a field identification. If the witness indicates they are unsure if they can identify the individual, a field identification will not be done.
4. Whenever possible, the witness should be transported to the location of the suspect rather than bringing the suspect to the witness.
5. Field identifications should not be attempted more than 45 minutes after the commission of a crime.
6. Field identification should not be conducted when the suspect is in a patrol car, handcuffed, or physically restrained by police officers, unless such protective measures are necessary to ensure safety.
7. Field identification should only be conducted with one witness present at a time. If the field identification is conducted for more than one witness it should be done separately. If one witness positively identifies the individual, consider making an arrest and using the above photographic lineup procedures for other witnesses.
8. The same suspect should not be presented to the same witness more than once in either field or photographic line-ups.

9. Field identification suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.
10. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator will be avoided.

B. Documentation of Field Identifications

1. The officer conducting a field identification, after supervisory approval, should use the Field Identification Form to inform the witness of the procedure and obtain evidence of their understanding of the procedure.
2. The Officer will video/audio **record** the witnesses viewing using their **body worn camera devices** and document the witness' comments regarding the suspect on the Field Identification Form. The Form will be given to the assigned investigator who will include the Form in the original Case Report. The Video/Audio recording will be pulled and placed in evidence and the evidence number included in the offense or supplement report.

Terrell Hills Police Department Photographic Lineup Form

Case#

Admonition: Read the following to the witness:

1. You will be shown a number of photographs on separate pages.
2. I have been asked to show these photographs to you, but I do not know the identity of the suspect.
3. These photographs are numbered, and I will show them to you on separate pages. Please take as much time as you need.
4. The person who committed the crime may or may not be in the lineup and you should not feel compelled to choose anyone.
5. Regardless of whether you make identification, we will continue to investigate this case
6. If you recognize anyone, please tell me which photograph you recognize and how or why you recognize the individual.
7. You should not discuss that identification procedure or its results with other witnesses involved in the case and should not speak with the media regarding any identification you may make.
8. If you make identification, I am required to ask you to state in your own words, how certain you are if you make an identification.

I, _____ understand the above information and on the _____ day of _____, 20____, at _____ o'clock (____.m.), I viewed a photographic lineup. This lineup contained photographs of six persons.

_____ I did identify the person with number _____
Identification comments/Level of certainty:

_____ I was unable to positively identify any of the persons in the lineup.

Viewers Signature: _____

Lineup Administrator: (Name and Badge #) _____

Names of other persons in attendance during lineup. Indicate translator id used:

Terrell Hills Police Department Field Identification Form

Case Number: _____

Read the following to the witness:

1. You will be advised of the procedures for viewing the field identification.
2. The fact that an individual is being shown to you, should not cause you to believe or guess that the guilty person(s) has been identified or arrested.
3. This *may or may not* be the person who committed the crime.
4. You are in no way obligated to identify anyone. It is as important to clear the innocent as it is to identify the guilty.
5. Regardless of whether you make identification, the police will continue to investigate this incident.
6. If you recognize anyone, please tell me how you recognize the individual. We are required to ask you to state in your own words, how certain you are of any identification.

I, _____ understand the above information.

I understand the need to describe my level of certainty regarding identification and after viewing the person(s) shown have identified them as _____

Viewer's Signature: _____

Officer's printed name: _____

Officer's signature: _____

Other persons in attendance during field identification.

Name and Address:

Name and Address: _____

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 744 Vehicle & Body Worn Cameras (VBWC)	
	Effective Date: 2/1/2023	Replaces: 6/1/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

Police video footage is a frequently used investigative tool. This Policy is designed to maximize the reliability of video recordings, and to establish evidence that is reliable, and which conforms to established legal procedure.

II. PURPOSE

It is the purpose of this policy to establish department guidelines and responsibilities for the proper use of vehicle and body worn cameras

III. GENERAL PROCEDURES FOR POLICE VEHICLE AND BODY VIDEO CAMERAS

- A. Officers will record any and all contact with the public while on duty. Both vehicle and body video cameras will be switched on and recording during all public contact made by the officer. Public contact includes calls for service, investigations, traffic stops, prisoner transports, assisting other agencies and all non-criminal contact in which police assistance has been sought by the public.
- B. When and How to Use the VBWC
 1. Officers shall activate the VBWC to record all contacts with citizens in the performance of official duties.
 2. Officers working off duty jobs shall wear BWCs and make every effort to record any conflict encountered excluding normal public contact that is expected while performing this type of assignment.
 3. The VBWC shall remain activated until the event is completed in order to ensure the integrity of the recording.
 4. If an officer fails to activate the VBWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.

C. Procedures for VBWC Use

1. VBWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned VBWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only VBWCs issued by this department. The VBWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
3. Police personnel who are assigned VBWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration, and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
4. VBWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
5. Officers shall inspect and test the VBWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
6. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner VBWC recordings without prior written authorization and approval of the chief of police or his or her designee.
7. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
8. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the chief of police or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
9. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, VBWC recordings are not a replacement for written reports.

D. Restrictions on Using the VBWC

VBWCs shall be used only in conjunction with official law enforcement duties. The VBWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the chief of police;
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities.

E. Storage

1. All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall be titled with the date and case number or ticket number.
2. All images and sounds recorded by the VBWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to VBWC data (images, sounds, and metadata) must be specifically authorized by the chief of police or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

IV. SUPERVISOR REVIEW AND VIDEO STORAGE

- A. The CID investigator will review all video daily for the purpose of securing video related to criminal cases on a long-term storage device. This video will be retained in the evidence locker as per department policy.
- B. Patrol supervisors will perform a bi-monthly video review as provided by state law and then delete any video files over (90) ninety days old.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 745 Animal Control	
	Effective Date: 1/20/26	Replaces: 2/01/2023
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

This policy establishes procedures for the care and control of animals encountered by police officers in the course of enforcing animal control laws.

II. GENERAL PROCEDURES FOR LOOSE DOGS

In order to more effectively capture information relating to loose dogs whose owners reside in the City of Terrell Hills and to identify habitual violators, Terrell Hills Police Officers will initiate the following procedures.

- A. When Terrell Hills police officers come in contact with a loose dog, whether through a call for service or on site, the officer should make a reasonable attempt to identify the owner of the dog(s). Officers may determine the dog's owner through one or more of the following:

1. Information contained on the dog's collar or tags.
2. Information through a microchip or tattoo.
3. Information contained in the THPD Animal Registry database.
4. Information contained in the Alamo Heights Police dispatch database.
5. Information supplied by a neighbor or citizen.

- B. Officers should attempt take custody or control of the dog by reasonable means with an emphasis on citizen and officer safety and taking into account the welfare of the dog. Reasonable means include:

1. Allowing or coaxing the dog to get into a police vehicle.
2. The use of a leash.
3. The use of a cage.

4. The use of a catch pole.
 5. The use of a net gun with supervisor approval
- C. Providing that the dog has not bitten a person, the officer can elect to do one of the following:
1. Return the dog to its owner.
 2. Release the dog to a neighbor who agrees to assume responsibility for the dog.
- D. The Alamo Heights Dispatcher maintains a database that can be accessed immediately by them and provide the officer with how many previous calls were made on the dog(s) and what type of action was taken by the previous officer(s). This information can assist officers in determining enforcement options. Regardless of the disposition of the dog the officer will notify the dispatcher of the following:
1. Address where the owner resides (responsible party)
 2. Brief description of the dog including breed, color, sex, description of collar and marks, scars or identifying features.
 3. Action you took. (Verbal warning, door hanger, unable to make contact, etc.)
- E. N-code 8 is not to be used unless you cannot locate the dog(s) and cannot make contact with the complainant.

III. ANIMAL BITES

Officers must document all reported animal bites. Animals that have bitten or scratched a person must be taken to a veterinarian for examination. The animal must then be quarantined either at the animal care facility or by the owner for 10 days

A. Procedures for veterinarian quarantine

1. The animal must be immediately quarantined for a 10-day period at an approved veterinary medical facility. Personnel at that facility must notify the Terrell Hills Police department that the animal is in their care and custody.

2. At the end of the quarantine period, and prior to release of the animal to its owner, facility personnel must advise the Terrell Hills Police Department of the results of the quarantine and medical examinations.

3. Should the animal's owner or custodian refuse, or fail, to comply with the requirement to quarantine of the animal, police officers and city personnel are authorized to take custody of the offending animal.

4. Failure to comply with the above requirements is an offense, and each day's violation constitutes a separate offense.

B. Procedures for home quarantine

- 1.Home quarantine may be approved on a case-by-case basis. If home quarantine is approved the owner must immediately take the animal to a veterinarian for an initial examination.
- 2.The doctor must then fax verification to the Terrell Hills Police Department that the animal has been examined.
- 3.On the 5th day, the animal must be examined by the veterinarian, and verification of the examination must be faxed to the Terrell Hills Police Department.
- 4.The animal must be kept indoors at all times during the 10-day period, and away from other animals.
- 5.On the 10th day, the animal must again be examined by the veterinarian, and the results faxed to the Terrell Hills Police Department.

C. Domestic animals (dogs and cats) that have bitten or scratched a person and then become deceased must be taken to the 24/7 Emergency Pet Clinic located at 8503 Broadway, Suite 105, (210) 822-2873.

1. Officers must call the clinic and advise they are in route with a deceased animal that needs to be tested for rabies due to the fact it had bitten a person
- 2.Officers must sign the Deceased Animal Form and the Patient Client Form prior to leaving

D. Other animals (raccoons, opossums, bats, foxes, etc.) that have bitten or scratched a person and then become deceased must be taken to Callaghan Road Animal Hospital, located at 2015 Bandera Rd, San Antonio, TX 78228.

1. Officers must call the clinic and advise they are in route with a deceased animal that needs to be tested for rabies due to the fact it had bitten a person.

2. Officers must complete the RABIES LABORATORY SUBMISSION FORM G-9 and leave it with the staff at Callaghan Road Animal Hospital. Callaghan Road Animal Hospital will prepare, store, and ship the animal specimen to the San Antonio Metropolitan Health District for testing.

E. **South Texas Avian & Exotic Hospital**, located at 8856 Broadway, San Antonio, TX 78217, (210) 424-1871, is to be used should Callaghan Hospital not be able to provide services for rabies testing.

1. This facility will only prepare the deceased animal for testing and store the specimen until we coordinate pick up. The assigned officer must coordinate the delivery of the specimen to the laboratory in advance. The phone number for the laboratory is (210) 207-8820. One coordination has been made; the assigned officer will pick up the packaged specimen and transport it to the San Antonio Metropolitan Health District Laboratory Services, located at 2303 SE Military Dr. Bldg. 533, San Antonio, TX 78223. The assigned officer will submit the completed rabies laboratory submission form (Form G-9) and turn it in to the staff at the laboratory. Laboratory drop off hours are Mon-Fri 0800-1600 hours.
2. Should we opt to ship the specimen to the laboratory, the assigned officer should notify The City of San Antonio Metropolitan Health District by calling the laboratory system notification number and leave a voicemail. Ph: (210)207-8820. (Fax: 210-207-2159)

Your voicemail will state: 1. *your agency*, 2. *description of the specimen*, 3. *along with the day it will be shipped*.

Mailing Location:

San Antonio Metropolitan Health District Laboratory Services
2303 SE Military Dr., Bldg 533
San Antonio, TX 78223

IV. ANIMAL CONTROL EQUIPMENT

A. Live Traps

1. Officers shall use the live traps to attempt capture of stray dogs reported to have attacked or threatened pets or persons. The trap should be baited and placed in an area the animals are known to frequent and checked twice each shift.

B. Net Gun

1. Officers shall use the net gun to attempt capture of stray dogs reported to have attacked or threatened pets or persons and are resistant to capture by other means. The net gun may only be used with the consent of the on-duty supervisor.

LAB ID # _____ (Lab use Only)

Submitter Information-Send Report to: NAME: _____ ADDRESS: _____ CITY: _____ PHONE: _____ FAX: _____ E-Mail: _____	RABIES LABORATORY SUBMISSION FORM G-9 (Rev. May 5, 2017) San Antonio Metropolitan Health District Laboratory Services 2303 SE Military Dr., Bldg 533 San Antonio, TX 78223 PLEASE COMPLETE A SEPARATE FORM FOR EACH SPECIMEN SUBMITTED DATE OF COLLECTION: _____ DELIVERED BY: _____ RECEIVED DATE/TIME _____ ☐ AM ☐ PM RECEIVED BY: _____

State Law requires submitters of specimens for rabies examination to notify us in advance of shipment. Rabies Laboratory notification number is **Phone: (210) 207-8820 FAX: (210) 207-2159**. This number is monitored by a recorder 24 hours a day, 7 days a week. Please do not send specimens without prior notification. This will allow us to act promptly on missing specimens. Rodents, hares, and rabbits will be tested only if a human has been bitten without provocation and we receive documentation that the animal has been exposed to rabid animals. Cage raised pets, including hamsters, gerbils, and guinea pigs will not be accepted for testing. If you have a question about having an animal tested, or have special reporting requests, please contact the laboratory for approval.

ANIMAL SPECIES: ☐ DOG ☐ CAT ☐ SKUNK ☐ RACCOON ☐ BAT ☐ OTHER _____	
Neurological Signs: ☐ YES ☐ NO SPECIMEN IDENTIFICATION # _____	
DESCRIPTION/BREED _____ BITE #: _____	
ANIMAL OWNER'S NAME/ADDRESS: _____	
COUNTY OF ANIMAL'S ORIGIN _____ EXPOSURE DATE _____	
HUMAN EXPOSURE: BITE: ☐ YES ☐ NO VICTIM NAME: _____ VICTIM AGE: _____	
PARENT NAME IF VICTIM IS A MINOR: _____ PHONE: _____	
ADDRESS: _____ CONTACT MADE ☐ YES ☐ NO	
LOCATION OF BITE: ☐ HAND ☐ FOOT ☐ NECK ☐ ARM ☐ HEAD ☐ LEG ☐ TRUNK ☐ OTHER _____	
OTHER TYPE OF HUMAN EXPOSURE: ☐ HANDLING ☐ LICK ☐ SCRATCH ☐ OTHER _____	
VET STAFF EXPOSURE- VET Name: _____ STAFF: _____	

PET EXPOSURE: ☐ YES ☐ NO **Comments:** _____

Emergency testing or result reporting will be done on weekends with prior notification and coordination with the Rabies Laboratory. Please call (210) 207-8820. The voice message will be checked Saturday mornings at 9:00 a.m. Please leave a number where you can be reached outside of normal business hours.

LABORATORY REPORT (DO NOT WRITE BELOW)

Laboratory ID # _____ Tech Init _____ ☐ POSITIVE Direct Fluorescent Antibody (DFA) Test ☐ NEGATIVE DFA Test ☐ Brain Decomposed/Destroyed. Unable to perform testing Comments: _____ _____	☐ Lab results reported ☐ Submitter Contact ☐ Phone ☐ FAX Tech Init _____ Date: _____ Time: _____ Name: _____ ☐ Region 8 Contact ☐ Phone ☐ FAX Tech Init _____ Date: _____ Time: _____ Name: _____ Comments: _____ _____

Reviewer Initial: _____

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 801 Unusual Occurrences, Active Shooter Situations and Special Events	
	Effective :02/01/2023	Replaces: 6/1/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Unusual occurrences include emergencies resulting from natural or man-made disasters or civil disturbances such as riots, disorders, spontaneous violence, or labor disputes. While these occurrences are uncommon, the Department must not only deploy personnel in the field but must coordinate the responses of other law-enforcement agencies as well as other agencies. Department personnel must act quickly, decisively, and knowledgeably to mitigate disorder or disaster by restoring order and control, and by protecting lives and property.

II. PURPOSE

To establish general guidelines for planning and deploying personnel for unusual occurrences.

III. DEFINITIONS

- A. **Unusual Occurrences:** Includes natural and man-made disasters as well as civil disturbances, unusual police events such as hostage or barricaded persons, active shooter situations and even planned special events.
- B. **After Action Reports:** A report outlining the Department's planning and response to an unusual occurrence, providing a critical look at operations, and developing suggestions for future planning and policy issues.
- C. **Emergency Response Plan:** A County or Regional Emergency Response Plan that outlines the responsibilities of all public agencies in time of natural or man-made disasters.

IV. PROCEDURES

A. Administration

1. The Chief of Police is responsible for overall planning of the law-enforcement response to unusual occurrences and for Department participation in the regional emergency operation plan.
2. The Chief of Police is responsible for coordinating all law enforcement plans with the municipal, county, or state official charged with emergency activities.
3. At least biennially, the Department shall conduct training for all personnel on their roles and responsibilities under the county emergency response plan. Copies of the emergency response plan are found in the Chief's office.
4. At least biennially, the Chief of Police is responsible for ensuring the internal review of the Law Enforcement Appendix to the Emergency Response Plan and the other Departmental procedures for unusual occurrences. (TBP 8.09)

B. Special events

1. The Chief of Police or his designee is responsible for the proper planning of the law enforcement operations for any Special Event held within the City.
2. Special event plans shall include, at a minimum:
 - a. Anticipated personnel needs and assignments
 - b. Special qualification requirements if any
 - c. Command structure
 - d. Written estimates of traffic, crowd, or crime problems anticipated
 - e. Clearly written traffic flow plans
 - f. Logistics requirements
 - g. Coordination with outside agencies

C. Unusual Police Incidents

1. Unusual Police Incidents include:
 - a. Bomb threats or incidents where an evacuation is performed, or a device is located.
 - b. Hostage taking where the victim is held after police arrival
 - c. Barricaded Persons
 - d. Active Shooter Situation
 - e. Hazardous Warrant Service
 - f. Other major incidents where more than three units and a supervisor are utilized.

2. The Chief of Police is notified immediately if any unusual police events occur.
3. The Patrol Standard Operating Procedure provides officers direction in handling many unusual police incidents.

D. Use of National Incident Management System (TBP 8.11)

1. The Department trains all personnel in their appropriate level of NIMS courses for understanding of their role in the management of an incident.
2. The NIMS process of Incident Command will be utilized in handling all unusual occurrences where more than three units are utilized.

E. Mobilization of additional resources

1. In any emergency or special operation where additional law enforcement resources are required, the Chief of Police may:
 - a. Hold over the shift due to go off so that personnel of two shifts are available.
 - b. Call back additional personnel.
 - c. Request assistance through mutual aid
 - d. Request state assistance through the Governor's Office (Mayor requests)
2. Some special operations are planned weeks in advance and, where possible, additional personnel required will be given advance notification of time, place, uniform, duties, etc. For other operations such as raids, security considerations may limit advance notification to minutes.
3. All members of the Department are subject to immediate recall in the event of an emergency. Failure to respond to an order to report to work may be grounds for termination.
4. The Chief of Police shall assign personnel called back as required, using the skills, knowledge, and abilities of recalled officers where appropriate.
5. Call-back time is paid time and will be strictly controlled and accounted for, minimizing expenditure where feasible.

F. After Action Reports (TBP 8.08)

1. After Action Reports are required after any natural or man-made disaster or any unusual event as listed in Section IV (C)1 above.
2. After Action Reports are required at the conclusion of any unusual occurrence within 5 days of completion of the event. Unless otherwise assigned, the preparation of the report is the responsibility of the supervisor in charge of the event.
3. The After Action Report should include a discussion of:
 - a. A detailed description of the event;
 - b. The prior planning for the event, if any;
 - c. The number and identity of personnel assigned;
 - d. A chronological description of the event and problems encountered or successes accomplished;
 - e. A critical review of operations and what policy, equipment or procedures need to be changed to better respond to a similar problem or event in the future.
4. The After Action Report should be prepared in memorandum format and forwarded to the Chief of Police for review.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 802 Civil Disturbances and Mass Arrests	
	Effective: 02/01/2023	Replaces:06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

How law enforcement officers deal with crowds in civil actions, whether in demonstrations or civil disturbances, has direct bearing on their ability to prevent property damage, injury, or loss of life and minimize disruption to persons who are uninvolved. Officers confronting civil disturbances and those called upon to assist in these incidents shall follow the procedures as enumerated in this policy to protect life, property, and First Amendment rights.

In rare circumstances resulting from manmade or natural emergencies, and in widespread highly volatile civil unrest with the potential for widespread violence, the incident commander shall temporarily suspend any policy, provision, or guideline contained herein when such action is determined to be the only reasonable alternative for the prevention of loss of life or major property damage.

II. PURPOSE

The purpose of this policy is to establish guidelines for managing crowds and preserving the peace during demonstrations and civil disturbances.

III. DEFINITIONS

- A. Civil Disturbance: An unlawful assembly, as defined by state statutes and local ordinances. Normally, a gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. These are typically, but not always, spontaneous occurrences requiring the emergency mobilization of police forces and related emergency services.

- B. Demonstration: A legal assembly of persons organized primarily to express political or other doctrine or views. These are typically scheduled events that allow for police planning. They include but are not limited to marches, protests, and other assemblies that are largely designed to attract the attention of onlookers, media, and others. Demonstrations can evolve into civil disturbances that necessitate enforcement actions. Although crowd control may be necessary at sporting events, festivals, concerts, celebratory gatherings, and related events, these are not defined as demonstrations.
- C. Crowd Control: Techniques used to address unlawful public assemblies, to include a show of force, crowd containment and dispersal equipment and strategies, and preparations for multiple arrests.
- D. Crowd Management: Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining their lawful status as accomplished through event planning, pre-event contact with group leaders, intelligence gathering, personnel training, and other means.

IV. PROCEDURES

A. General Management and Organization Principles

1. By law, this jurisdiction may impose reasonable restrictions on the time, place, and manner of expressing First Amendment rights. This Department shall place only those limitations and restrictions on demonstrations necessary to maintain public safety and order and, to the degree possible, allow uninhibited commerce and freedom of movement for uninvolved persons.
2. The on-duty supervisor will assume the role of Incident Commander (IC) at the scene of mass demonstrations and civil disturbances until relieved by a higher-ranking supervisor or the Chief of Police.
3. If at all possible, a member of the Department should be detailed to conduct video recording of the incident and Departmental response to include any interactions involving use of force.
4. The incident command system shall be used in crowd management and civil disturbances to ensure control and unified command. The Incident Commander shall do the following:
 - a. Assume responsibility for issuing and disseminating all orders to members of his or her command and for determining the resources that are necessary and the extent to which they will be used;

- b. Direct the establishment and organization of an incident command post;
- c. Authorize such use of force and engagement with the crowd as deemed necessary to resolve unlawful actions;
- d. Authorize the use of arrest as a means of curtailing unlawful behavior;
- e. Designate a liaison officer to coordinate with other city or county emergency service providers, as well as government offices, agencies, and departments;
- f. Officers shall be briefed at the staging area on the type of crowd being monitored and told what to expect from participants and what types of responses and force can be employed. They shall also be informed that the unit commander will order the response deemed appropriate and that the unit will act in concert with and follow the direction of the unit commander;
- g. It is the policy of this Department to avoid making mass arrests of persons when arrest avoidance is reasonable in the interests of safety and security.

V. USE OF FORCE

- A. The Department's use-of-force policy is equally applicable to enforcement actions in the context of both mass demonstrations and civil disturbances. That is, officers may use only such force as reasonably appears necessary to protect themselves or others from physical harm, to restrain or subdue a resistant individual, or to bring an unlawful situation safely and effectively under control.
- B. Unity of action, in addition to command and control, are instrumental to the effective handling of demonstrations and civil disturbances. Thus, unless exigent circumstances require immediate action, officers shall not independently make arrests or employ force without command authorization. In exigent circumstances, supervisors shall independently authorize the use of force or such other tactics in accordance with the agency's use of force policy, along with this policy.
- C. All officers providing assistance to this agency through mutual aid agreements, contracts, or related means shall be briefed on the mutually agreed upon provisions

of those agreements relating to the use of force and protocols for crowd control prior to deployment.

D. Use-of-Force Reporting and Investigation

Established use-of-force reporting requirements of this Department are equally applicable to policing mass demonstrations and civil disturbances. However, reporting, documenting, and recording uses of force in the context of civil disturbances and mass demonstrations can be hampered by logistical and safety concerns. Officers will complete use of force forms as soon as practical after the event.

VI. DEMONSTRATIONS

- A. Preparation for responding to a demonstration shall be assigned by the Chief of Police. The Incident Commander shall ensure that a written incident action plan is developed for approval of the Chief or his or her designee.
- B. Every effort shall be made to identify and make advance contact with the leaders of the demonstration. A decision on personnel, resources, and related needs shall be based in part on information obtained from leaders, Department intelligence, and other sources. Answers to the following additional questions shall be collected:
 - 1. What type of event is involved?
 - 2. When is it planned?
 - 3. Is outside opposition to the event expected?
 - 4. How many participants are expected?
 - 5. What are the assembly areas and movement routes?
 - 6. What actions, activities, or tactics are anticipated, to include use of demonstrator devices designed to thwart arrest.
 - 7. Have permits been issued?
 - 8. Have other agencies, such as fire and EMS, been notified?
 - 9. Is there a need to request mutual aid?
 - 0. Will off duty personnel be required?
 - 1. Have demonstration leaders been identified together with their past history of conduct at such events? Is it possible to meet with group leaders?

C. Based on this and related information, the Department will develop an action plan together with outside agencies where necessary. The plan shall address provisions for the following and be distributed to all affected command and supervisory officers.

1. Command assignments and responsibilities
2. Manpower, unit structure, and deployment (including off duty officers being activated for duty with a mandated one hour response time).
3. Liaison with demonstration leaders
4. Liaison with outside agencies
5. Release of information to the news media
6. Transportation, feeding and relief of personnel
7. Traffic management
8. Demonstrator devices extrication teams and equipment
9. First aid stations
10. Transportation of prisoners
11. Prisoner detention areas
12. Any intelligence information

D. Officers shall monitor crowd activity. Sufficient resources to make multiple simultaneous arrests should be available, depending on the fluidity of the situation and degree of actual or likely disruption.

E. Assigned officers shall wear their badges and nameplates or other personal identification on the outside of their uniforms or on their helmets at all times.

F. Assigned Officers shall wear their duty uniforms (outlined in THPD Policy #405) as well as all department issued equipment to include all provided emergency response items (ballistic helmets, gas masks and crowd control shields)

G. Officers shall be positioned in such a manner as to minimize contact with the assembly.

H. Officers shall not engage in conversations related to the demonstration with or be prompted to act in response to comments from demonstrators.

I. Officers shall maintain a courteous and neutral demeanor.

J. Persons who reside, are employed, or have business of an emergency nature in the area marked off by a police line shall not normally be barred from entering the demonstration area unless circumstances suggest that their safety would be jeopardized or their entry would interfere with police operations.

K. Unit commanders shall establish and maintain communication with demonstration leaders and relay information on crowd mood and intent to the incident

commander. Supervisors shall maintain close contact with officers under their charge to ensure their compliance with orders, to monitor their behavior and disposition, and to ensure that they are aware of any changes in crowd attitude or intent.

K. Before ordering forced dispersal of demonstrators, the incident commander shall determine whether lesser alternatives may be effective. These alternatives include the use of containment and dialogue, as follows:

1. Establish contact with crowd leaders to assess their intentions and motivations and develop a mutually acceptable plan for de-escalation and dispersal.
2. Communicate to the participants that their assembly is in violation of the law and that the Department wishes to resolve the incident peacefully, however any acts of violence will be dealt with swiftly and decisively.
3. Negotiate with crowd leaders for voluntary dispersal, or target specific violent or disruptive individuals for arrest. Prior to issuing dispersal orders, the Incident Commander shall ensure that all potentially necessary law enforcement, fire, and EMS equipment and personnel are on hand to successfully carry out tactical requirements and contingencies and that logistical requirements related to the potential for making mass arrests are in place.
4. When the Incident Commander has made a determination that crowd dispersal is required, he or she shall direct unit commanders, where time and circumstances permit, to issue warnings prior to taking physical actions to disperse the crowd.
5. The warnings shall be issued loudly enough and often enough to be heard by the crowd from stationary vantage points or with the use of public address devices of patrol vehicles.
6. The warning shall consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes. A second and a third warning shall be issued at reasonable time intervals before designated actions are taken to disperse the crowd. Where possible, the warnings shall be audio- or video-recorded at a point to the rear of the crowd and the time and the names of the issuing officers recorded in the incident commander's event log.
7. Specific crowd dispersal tactics shall be ordered as necessary where the crowd does not heed warnings. These include any one or any combination of the following:
 - a. Display of forceful presence to include police lines.
 - b. Use of aerosol crowd control chemical agents
 - c. Police formations and use of batons for forcing crowd movement.

VII. SPONTANEOUS DEMONSTRATIONS AND CIVIL DISTURBANCES

- A. Demonstrations or large gatherings of any kind that escalate into disturbances are governed by the policies and regulations concerning crowd management, control, and dispersal as identified here with respect to civil disturbances. The first officer to arrive on the scene of a spontaneous demonstration or civil disturbance shall do the following:
1. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent;
 2. Notify the communications center of the nature and seriousness of the disturbance, particularly the availability of improvised or deadly weapons, its location and estimated number of participants, current activities (such as blocking traffic), direction of movement, and ingress and egress routes for emergency vehicles;
 3. Request the assistance of a supervisor and any necessary backup and advise as to the present course of action;
 4. If approaching the crowd would not present unnecessary risk, instruct the gathering to disperse;
 5. Attempt to identify crowd leaders, agitators, and anyone engaged in any criminal acts.
- B. The first field supervisor to arrive at the scene shall assume command, assess the situation, and request sufficient personnel and related resources to perform the following tasks:
1. Deploy officers to the best vantage points to observe and report on crowd actions;
 2. Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the affected area;
 3. Ensure that, to the degree possible, innocent civilians are evacuated from the immediate area of the disturbance;
 4. Establish a temporary command post based on proximity to the scene, availability of communications, space, and security from crowd participants;
 5. Continually assess the situation and advise communications of the status and additional needs;

6. Ensure that surveillance points are established to identify agitators, leaders, and individuals committing crimes, as well as document and report on events as they happen;
7. Where illegal gatherings engaged in civil disturbances cannot be controlled with available field personnel within a reasonable period of time, the agency CEO or his or her designee shall serve as or appoint an Incident Commander to direct operations.
8. The primary objectives of the Incident Command will be as follows:
 - a. Protect persons, including nonparticipants and participants alike, and property at risk;
 - b. Disperse disorderly, hostile, or threatening crowds in order to eliminate the immediate risks of continued escalation and further violence;
 - c. Effect the arrest of those individual law violators and the removal or isolation of those persons inciting violent behavior;
 - d. To achieve the foregoing objectives, the Incident Commander shall employ tactical operations that include but are not necessarily limited to approaches previously identified in this policy;
 - e. In the area outside the perimeter surrounding the disorder site, the Incident Command shall ensure that the following actions are taken:
 1. Move and reroute pedestrian and vehicular traffic around the disorder.
 2. Limit access to the disorder to those persons approved by the IC or other commander;
9. Control unauthorized egress from the disorder by participants;
10. Repulse attempts to assist or reinforce the incident participants from outside the area

9. The Incident Command shall also ensure the following matters are addressed where indicated:
- a. Ensure that adequate security is provided to fire and EMS personnel in the performance of emergency tasks;
 - b. Ensure that feeding and relief requirements of personnel have been addressed;
 - c. Ensure the adequacy and security of the incident command post and designate a staging area for emergency responders and equipment;
 - d. Establish liaison and staging point for media representatives and, to the degree possible, provide them with available information;
 - e. Ensure that the Incident Command's event log position is staffed for documenting activities and actions taken during the course of the incident;
 - f. Take photographs and make video-recordings of event proceedings;
 - g. Take photographs of any injuries sustained by police officers or the public;
 - h. Determine the need for full mobilization of sworn officers and the recall of off-duty officers.

VIII. MASS ARRESTS

- A. During the course of civil disturbances, it may be necessary to make arrests of numerous individuals over a relatively short period of time. In order for this process to be handled efficiently, safely, and legally, the following shall be observed:
- 1. Except for felony offenses, officers shall not pursue demonstrators into buildings for the purpose of making arrests unless specifically instructed to do so by a supervisor. Supervisors shall accompany and exercise control over members under their command who go on private property or enter buildings to make arrests.
 - 2. Designated, supervised squads of officers shall perform mass arrests.
 - 3. If required, an adequate secure area shall be designated for holding prisoners after initial booking and while awaiting transportation.

4. Arrest teams shall be advised of the basic charges to be recorded in all arrests.
5. Arrestees who are sitting or lying down but agree to walk shall be escorted to the transportation vehicle for processing; two or more officers shall carry those who refuse to walk.
6. At the transport vehicle, the arrestee shall be advised of the charges. The prisoner shall be searched for weapons, evidence, and contraband, and where possible, by an officer of the same sex. Such items shall be secured and identified prior to transportation.
7. Digital photographs shall be taken of the arrestee and any property that is turned over to the transporting officer. Transporting officers shall not accept prisoners without a properly prepared field arrest form and shall ensure that all property is placed in a container that is legibly marked with the arrest form number.
8. Upon arrival at the detention facility, the transporting officer shall deliver the prisoner together with the arrest form and personal property.
9. All injured prisoners and those who request medical attention shall be provided medical attention prior to transportation to the detention facility.
0. Photographs shall be taken of all injuries.

- B. All arrested juveniles shall be handled in accordance with this Department's procedures for the arrest, transportation, and detention of juveniles.

IX. DEACTIVATION

- A. When the disturbance has been brought under control, the Incident Command shall ensure that the following measures are taken:
 1. All law enforcement officers engaged in the incident shall be accounted for and an assessment and documentation made of personal injuries;
 2. Witnesses, suspects, and others shall be interviewed or interrogated. All necessary personnel shall be debriefed as required.
- B. All written reports shall be completed as soon as possible after the incident to include a comprehensive documentation of the basis for the incident, the Department's response to the incident, with a statement of impact to include the costs of equipment, personnel, and related items.

X. After Action Reporting

A. After Action Reports are required at the conclusion of any unusual occurrence within 5 days of completion of the event. Unless otherwise assigned, the preparation of the report is the responsibility of the supervisor in charge of the event.

1. The After Action Report should include a discussion of:
 - a. A detailed description of the event;
 - b. The prior planning for the event, if any;
 - c. The number and identity of personnel assigned;
 - d. A chronological description of the event, problems encountered, or successes accomplished;
 - e. The number of arrests, injured persons or officers, and the overall outcome;
 - f. A critical review of operations and what policy, equipment or procedures need to be changed to better respond to a similar problem or event in the future.
2. The After Action Report should be prepared in memorandum format and forwarded to the Chief of Police for review.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 803 Bomb Threats	
	Effective: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Accurate communication is essential to the screening and response to bomb threats. The Alamo Heights Police Communications Center is trained in receiving, screening, and handling the initial report of a bomb threat. To facilitate this, the Alamo Heights Police Communications Center has a TBP approved standard operating procedure in place for handling any called in bomb threats. It is essential that every step in the communication process be conducted concisely, effectively, and properly.

II. PURPOSE.

To establish guidelines for the proper response to and handling of bomb threats.

III. DEFINITIONS.

- A. Credible Bomb Threat: a communicated threat where the presence of an actual device or suspicious package exists, or details concerning the location, time of detonation, or other specific information is provided.
- B. Non-Credible Bomb Threat: a communicated threat where no presence of an actual device or suspicious package exists, or no specific details concerning the location, time of detonation, or other specific information is provided.

IV. RESPONSE

- A. The Alamo Heights Police Communications Center will dispatch police and fire units depending on the credibility of the threat or the presence of a suspicious device.
- B. Once the dispatch has taken place, the Incident Command System will be enacted and utilized.

- C. Radios, cellular phones, mobile data terminals, radar, or any other device capable of emitting RF energy will not be used within one hundred (100) feet of a suspected or actual device.

V. ON-SCENE PROCEDURE

- A. The first officer to arrive on scene will make contact with the complainant or person in charge of the facility, and any others and gather any pertinent information.
- B. Additional responding units will stage away from the suspected area or building until advised further by the initial officer or on-duty supervisor.
- C. The on-duty supervisor will meet with the initial officer and complainant to determine a course of action- search or evacuation.
- D. If a search is in order, any search will be conducted by the owner or occupants of the building or room, accompanied by an officer or officers, as they are familiar with what belongs or is out of place.
- E. When conducting the search, only look for or listen for anything unusual or out of place.
- F. During the search, doors, cabinets, closets, etc. may be opened after looking for obvious signs of tampering.
- G. Any unusual or suspicious packages, devices, or items found to be out of place should be noted but **not** touched, opened, or moved.
- H. If a building or area is suspected of containing a bomb or explosive device, or a device is found, an evacuation will be ordered.
- I. The on-duty supervisor will coordinate with building management or security to achieve safe, expeditious, and orderly evacuation of the area or building- public safety personnel will only be used as a last resort.
- J. If a device is found or if the on-duty supervisor needs assistance with search operations, the Fire Department is dispatched to the scene.
- K. If the Fire Department responds, Police and Fire coordinate and form Unified Command.
- L. If an actual or suspected device is located, assistance will be obtained through the SAPD Bomb Squad, or through the Fort Sam Houston EOD.

- M. Any decision made in regards to reentry of a facility previously ordered evacuated will be made by the person in charge of the facility- **not the police**.
- N. In the event of an actual blast scene, THPD will request assistance from the Texas Department of Public Safety Rangers Service, as well as coordinate site investigation with appropriate Federal Agencies.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 804 Hostage Incidents & Barricaded Suspects	
	Effective: 02/01/2023	Replaces: 06/01/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

A hostage/barricaded subject poses an extreme danger not only to officers who seek to arrest him, but to other persons as well. It is the policy of the Terrell Hills Police Department to expend all reasonable efforts, when possible, to resolve these types of incidents peaceably. Hence, there are two main objectives pertaining to any police action when handling these types of situations. The primary objective is the safety of any police personnel, innocent bystanders, hostages, as well as the actual offender. The secondary objective would be the actual apprehension of the offender(s), the recovery of any property, and the restoration of the peace and order.

II. PURPOSE.

To establish guidelines and responsibilities for responding officers to the scene.

III. DEFINITIONS.

- A. Hostage Incident:** a situation where a person holds another person or person(s) against their will by force, threat of violence, or intimidation.
- B. Barricaded Person:** a situation where a person is armed or believed to be armed, suicidal, or mentally unstable resists being taken into custody by barricading themselves in a room, building, or other location.
- C. Inner Perimeter:** the immediate area of containment as designated by the on-scene supervisor. Only authorized personnel will be allowed in this area, which will be staffed initially by patrol officers until relieved by tactical response team officers. Any unauthorized personnel will be evacuated to prevent injury or any interference with the operation.
- D. Outer Perimeter:** A secondary control area surrounding the inner perimeter, staffed officers to provide a safe zone for access to the inner perimeter, while denying access to non-authorized personnel and traffic/crowd control.

E. Command Post: a secure location within the outer perimeter from which the Incident Commander directs the operations.

F. Staging Area: designated area in the outer perimeter where all responding personnel will report for briefing, assignment, and equipment.

G. Tactical Response Team: a specially trained and equipped response unit of officers to provide assistance in incidents that require specialized equipment, tactics, and techniques. The Randolph Area Metro Tactical Team will be used to respond to these needs including the negotiation team.

IV. RESPONSIBILITIES

A. Initial Responding Officers:

1. Must take immediate action to prevent injury to themselves or others by seeking cover and controlling the situation.
2. Evaluate the situation, gather, and disseminate information, and clear the immediate area of bystanders or injured victims, if possible.
3. Notify dispatch and request additional units as well as a supervisor to the scene.
4. Determine a safe route for responding units and advise them of such, as well as any helpful information regarding the location or suspect(s).
5. Direct responding units to positions that will minimize the movement of the Suspect (establish a quadrant) and prevent escape.
6. Identify, detain, and contain any possible witnesses for debriefing

B. Supervisors:

1. Ensure that all injured persons have been evacuated, if possible.
2. Obtain all information from initial responding officers regarding the suspect, any weapons, the location, and any particulars of the incident.
3. Establish the inner perimeter and assign sufficient officers to control it.
4. Debrief any possible witnesses.
5. Disseminate all necessary information or particulars to officers on the scene.

6. Establish strict firearms control, rules of engagement, and ensure that the elements for use of deadly force have been established should the incident extend to their position.
7. Establish an outer perimeter and assign sufficient officers to control it.
8. Attempt contact with barricaded suspect and attempt to get him to surrender peacefully.
9. If unable to peacefully resolve the incident, he should immediately notify the Police Lieutenant and Chief of Police of the potential need for a Tactical Response Team.
10. Establish a Command Post and assign sufficient personnel to secure it.
11. Request mutual assistance from Alamo Heights Police Department and San Antonio Police Department if immediate assistance is necessary.
12. Begin call-in of off-duty personnel if authorized and warranted.
13. Establish a staging area for arriving personnel, equipment, Fire Dept, and EMS Units.
14. Assign personnel at Command Post to begin collecting data on the suspect as well as building plans/building schematics/fire escape plans etc.
15. Maintain control and command of the situation until relinquished to the Assistant Chief and/or Chief of Police.
16. Complete an After Action Report regarding the situation.

V. WEAPONS DISCIPLINE

- A. No weapons fire will be authorized without the express approval of the on-scene supervisor, or the prerequisites for self-defense are met.
- B. The prerequisites of self-defense are to protect one's own life or to protect the life of another.
- C. Any use of Chemical Agents, other than by the Tactical Team officers, must be authorized by the supervisor in charge.

- D. Nothing in this procedure precludes the lawful use of force, deadly or otherwise, by officers of this Department in protecting themselves or others from death or serious injury from aggressive action or behavior by a hostage taker or barricaded subject.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 805 Missing Persons	
	Effective: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Accurate data collection and timeliness is essential in the investigation of missing person cases. The Terrell Hills Police Department shall accept without delay any report of a missing person.

II. PURPOSE.

To establish guidelines for the proper patrol response to calls received for missing persons.

III. DEFINITIONS.

- A. Missing Adult: Any person over the age of 18 years old whose absence is contrary to their normal patterns of behavior.
- B. Missing Child: Any person 17 years of age or younger whose whereabouts are unknown to their parent, guardian, or responsible party.
- C. NCIC: National Crime Information Center. A computerized index of criminal justice information available to federal, state, and local law enforcement agencies 24 hours a day, 365 days a year where missing person records are stored.
- D. NLETS: National Law Enforcement Telecommunications System. The system used to rapidly communicate vital law enforcement information to participating national law enforcement agencies.
- E. Texas Missing Persons Clearinghouse: established by Legislature to assist law enforcement agencies and the public locate persons who are missing from Texas or missing from other states but believed to be in Texas. Agency also maintains a public web site in conjunction with the DPS Unidentified Persons and DNA Unit and assists with the collection and submission of DNA for high-risk missing person cases.

- F. AMBER Alert: a cooperative effort between law enforcement and the broadcast media to disseminate immediate emergency broadcasts of descriptive information through a multitude of media outlets in cases of child abduction.
- G. SILVER Alert: a cooperative effort between law enforcement and the broadcast media to disseminate immediate emergency broadcasts of descriptive information through a multitude of media outlets in cases of MISSING SENIORS with a documented mental impairment.
- H. ENDANGERED MISSING PERSON Alert: a cooperative effort between law enforcement and the broadcast media to disseminate immediate emergency broadcasts of descriptive information through a multitude of media outlets in cases of missing persons with an INTELLECTUAL DISABILITY.

IV. REPORTING PROCEDURES

- A. The Terrell Hills Police Department shall accept any missing person report without delay.
- B. As part of the initial missing person report, the officer taking the report shall seek to obtain the following information:
 - 1. Name, including any alias
 - 2. Date of Birth
 - 3. Social Security Number/Drivers License Number if known
 - 4. Identifying marks, such as tattoos, scars, moles, birthmarks etc.
 - 5. Height and Weight
 - 6. Race/Sex
 - 7. Current and true hair color and Eye Color
 - 8. Date and Time of Last Contact
 - 9. Current Photograph
 - 10. Blood Type
 - 11. Physical anomalies, implants, prosthetics, or cosmetic implants
 - 12. Current required medications or under doctor's care
 - 13. Existence of any recent mental or emotional problems or suicidal tendencies.
 - 14. Description of clothing, or notable items possibly carrying at time of disappearance
 - 15. Reason(s) why reporting person believes the person is missing
 - 16. Recent domestic incidents, emotional trauma, personal crises, drug/alcohol dependency, recent uncharacteristic or bizarre behavior, or history of mental illness
 - 17. Any circumstances that may indicate the disappearance was not voluntary, or may be at risk of harm or death
 - 18. Description of possible means of transportation
 - 19. Any identifying information about a known or possible abductor or the person last seen with, around, or near the missing person

- C. Upon completion of obtaining the necessary information and the person is under the age of 21 (Suzanne's Law- 42 USC 5779), the reporting officer shall have this information immediately entered as a Missing Person Record into NCIC by the Alamo Heights Communications Center.
- D. A supervisor shall respond on ALL missing person calls to be available to coordinate all activities involved in the reporting and handling of the incident.
- E. If the missing person is a child, verify custody status and whether history of absences from home exists or previously reported as runaway.
- F. If criteria are met for an AMBER, SILVER, or ENDANGERED Alert, complete respective form, and initiate process to activate alert-requires supervisor approval.
- G. Dispatch will broadcast missing report to all on-duty officers in the Tri-City area (TH/AH/OP), as well as provide to San Antonio PD for regional broadcast.
- H. Determine if this may be a high-risk missing person and a crime scene and/or witnesses exist, and if so, take measures to secure and notify Criminal Investigations Division.
- I. Thoroughly execute a complete a voluntarily consented search of the home or area believed to have last been occupied by missing person- especially if a child. Be cognizant for missing items such as luggage, overnight bags, clothing, personal items, etc. as well as items left behind such as notes, diaries, emails etc. Make sure to check the trash can(s) in private rooms as well as common areas of the home.
- J. Obtain the names and contact information, of family members, friends, co-workers, or anyone missing person may be in contact with, for interviews.
- K. Obtain a list of the missing person's favorite and/or frequently visited places, or places of significant importance to include stores/malls, restaurants/bars, and churches/schools.
- L. Notify the Criminal Investigations Division immediately if evidence of foul play or criminal activity is evidenced or suspected.
- M. The Terrell Hills Fire Dept should be utilized to help search in the event it is believed that the missing is a child or elderly person that may have wandered off.
- N. In the event a large area needs to be checked and time is of the essence, the assistance of the San Antonio Police Department Blue Eagle (Helicopter Program) may be requested by the on-duty supervisor in the event the missing is Endangered or a small child, and believed to have wandered off on foot from their home. Eagle's response will be at the sole discretion of SAPD.

- O. Off-duty personnel may be called in to assist with the authorization of the Police Lieutenant or Chief of Police.
- P. Any use of the local media to disseminate information must be with the authorization of BOTH the missing person's family and the Chief of Police.

V. Locate/Recovery of Missing Persons

- A. Once a Missing Person "Hit" is discovered via NCIC, the officer will have Communications personnel confirm the validity of the "hit".
- B. If missing is a competent adult over the age of (18), they cannot be forced to return home.
 - 1. Advise them that they have been reported as a missing person
 - 2. Ask if they desire that the reporting person or any next-of-kin be apprised of their whereabouts
 - 3. If the Missing Record is from another agency, have Communications Personnel contact that agency advising them of the locate.
- C. Notify the Reporting Person and Next-of-Kin of the well-being of located missing persons, honoring their wishes of non-disclosure of their whereabouts if requested.
- D. If the Missing person is a child:
 - 1. Take child into protective custody
 - 2. Summons medical attention immediately, if necessary.
 - 3. Notify Reporting Person, Parents, or Guardian in a timely manner.
 - 4. Notify Criminal Investigations Division if absence is other than voluntary.
- E. Once a missing person is located, notify the dispatcher to initiate appropriate action with regards to the NCIC Missing Person Entry. Communications personnel are trained in NCIC procedures and will know what entry to make regarding the Computerized Record.
- F. An incident report will be completed detailing the circumstances of the locate of the missing person.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 806 Dealing with the Mentally Ill	
	Effective: 02/01/2023	Replaces: 06/01/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

It is the policy of this Department to provide for the safe, humane and considerate treatment of persons in need of mental health treatment and detention. Detention and transportation shall take place only under circumstances and conditions authorized by applicable State or Federal Law. Use of force to accomplish detention of mental patients, absent criminal charges, is permitted only in accordance with the general orders of this Department governing use of force; only where detention is the only reasonable alternative under the circumstances known to the officer; and only as necessary for the protection of persons from injury or from major property damage.

II. PURPOSE

To provide officers with guidance on the handling of calls involving the mentally ill.

III. PROCEDURES

A. Recognizing Abnormal Behavior

1. Mental illness is often difficult for even the trained professional to define in a given individual. Officers are not expected to make judgments of mental or emotional disturbance but rather to recognize behavior that is potentially destructive and/or dangerous to self or others. The following are generalized signs and symptoms of behavior that may suggest mental illness although officers should not rule out other potential causes such as reactions to narcotics or alcohol or temporary emotional disturbances that are situationally motivated. Officers should evaluate the following and related symptomatic behavior in the total context of the situation when making judgments about an individual's mental state and need for intervention absent the commission of a crime.
2. Degree of Reactions. Mentally ill persons may show signs of strong and unrelenting fear of persons, places, or things. The fear of people or crowds, for example, may make the individual extremely reclusive or aggressive without apparent provocation.

3. Appropriateness of Behavior. An individual who demonstrates extremely inappropriate behavior for a given context may be emotionally ill. For example, a motorist who vents his frustration in a traffic jam by physically attacking another motorist may be emotionally unstable.
4. Extreme Rigidity or Inflexibility. Emotionally ill persons may be easily frustrated in new or unforeseen circumstances and may demonstrate inappropriate or aggressive behavior in dealing with the situation.
5. In addition to the above, a mentally ill person may exhibit one or more of the following characteristics:
 - a. abnormal memory loss related to such common facts as name, home address, (although these may be signs of other physical ailments such as injury or Alzheimer's disease);
 - b. delusions, the belief in thoughts or ideas that are false, such as delusions of grandeur ("I am Christ.") or paranoid delusions ("Everyone is out to get me.");
 - c. hallucinations of any of the five senses (e.g. hearing voices commanding the person to act, feeling one's skin crawl, smelling strange odors, etc.);
 - d. the belief that one suffers from extraordinary physical maladies that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time; and/or
 - e. extreme fright or depression.

B. Determining Danger

1. Not all mentally ill persons are dangerous while some may represent danger only under certain circumstances or conditions. Officers may use several indicators to determine whether an apparently mentally ill person represents an immediate or potential danger to himself, the officer, or others. These include the following:
 - a. The availability of any weapons to the suspect.
 - b. Statements by the person that suggest to the officer that the individual is prepared to commit a violent or dangerous act. Such comments may range from subtle innuendo to direct threats that, when taken in conjunction with other information, paint a more complete picture of the potential for violence.
 - c. A personal history that reflects prior violence under similar or related circumstances. The person's history may be known to the officer, or family, friends, or neighbors may be able to provide such information.
 - d. Failure to act prior to arrival of the officer does not guarantee that there is no danger, but it does in itself tend to diminish the potential for danger.

- e. The amount of control that the person demonstrates is significant, particularly the amount of physical control over emotions of rage, anger, fright, or agitation. Signs of a lack of control include extreme agitation, inability to sit still or communicate effectively, wide eyes, and rambling thoughts and speech. Clutching one's self or other objects to maintain control, begging to be left alone, or offering frantic assurances that one is all right may also suggest that the individual is close to losing control.
- f. The volatility of the environment is a particularly relevant factor that officers must evaluate. Agitators that may affect the person or a particularly combustible environment that may incite violence should be taken into account.

IV. APPROACH AND INTERACTION – General Guidelines

- A. The following general guidelines detail how to approach and interact with a person who may have mental illnesses and who may be a crime victim, witness or suspect. These guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations. Officers, while protecting their own safety, the safety of the person with mental illnesses, and others at the scene should:
 - 1. Recognize that these events are dangerous and officers must be prepared to protect themselves and others. The person may be suffering from mental instability, extreme emotions, paranoia, delusion, hallucinations or intoxication;
 - 2. Remain calm and avoid overreacting, surprise may elicit a physical response, the person's "fight or flight" may be engaged;
 - 3. Approach the individual from the front, be helpful and professional;
 - 4. Provide or obtain on-scene emergency aid when treatment of an injury is urgent;
 - 5. Check for and follow procedures indicated on medical alert bracelets or necklaces;
 - 6. Indicate a willingness to understand and help, use active listening, and paraphrase responses;
 - 7. Use the person's name and your name when possible, speak slowly, simply and briefly, and move slowly;
 - 8. Remove distractions, upsetting influences and disruptive people from the scene;

9. Understand that a rational discussion may not take place;
10. Recognize that sensations, hallucinations, thoughts, frightening beliefs, sounds (“voices”), or the environment are “real” to the person and may overwhelm the person;
11. Be friendly, patient, accepting, and encouraging, but remain firm and professional;
12. Be aware that their uniform, gun, and/or handcuffs may frighten the person with mental illnesses and attempt to reassure him or her that no harm is intended;
13. Attempt to determine if the person is taking any psychotropic medications;
14. Announce actions before initiating them;
15. Gather information from family or bystanders;
16. Use patience and communications to control, use physical force only as a last resort;
17. Don’t be afraid to ask direct questions about what the person is experiencing, e.g. “Are you hearing voices? Are you thinking of hurting yourself? Are you in need of something?”

B. While each incident will be different when dealing with a person who may have mental illnesses, officers should be aware that their own actions might have an adverse effect on the situation. Actions that officers should generally avoid include:

1. Moving suddenly, startling the person, giving rapid orders or shouting;
2. Forcing discussion;
3. Cornering or rushing;
4. Touching the person (unless essential to safety);
5. Crowding the person or moving into his or her zone of comfort;
6. Expressing anger, impatience, or irritation;
7. Assuming that a person who does not respond cannot hear;
8. Using inflammatory language, such as “mental” or “mental subject”;
9. Challenging delusional or hallucinatory statements;

10. Misleading the person to believe that officers on the scene think or feel the way the person does.

C. The Department shall ensure that officers are compliant in state mandated crisis intervention.

V. EMERGENCY APPREHENSION AND DETENTION

A. HSC 571.003 defines "Mental illness" as an illness, disease, or condition, other than epilepsy, senility, alcoholism, or mental deficiency, that:

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

B. HSC 573.001 empowers peace officers to take into custody a person, without a warrant, if the officer:

1. has reason to believe and does believe that:
 - a. the person is mentally ill; and
 - b. because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and
 - c. believes that there is not sufficient time to obtain a warrant before taking the person into custody.
2. A substantial risk of serious harm to the person or others under Subsection (a)(1)(B) may be demonstrated by:
 - a. the person's behavior; or
 - b. evidence of severe emotional distress and deterioration in the person's mental condition to the extent that the person cannot remain at liberty.
3. The peace officer may form the belief that the person meets the criteria for apprehension:
 - a. from a representation of a credible person; or
 - b. on the basis of the conduct of the apprehended person or the circumstances under which the apprehended person is found.

4. A peace officer who takes a person into custody shall immediately transport the apprehended person to:
 - a. the nearest appropriate inpatient mental health facility; or
 - b. a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available.
5. A jail or similar detention facility may not be deemed suitable except in an extreme emergency.
6. A person detained in a jail or a non-medical facility shall be kept separate from any person who is charged with or convicted of a crime.

C. Juvenile Mentally Ill Patients

1. The emergency detention procedure for juveniles is the same as for adults.

VI. TAKING A PERSON INTO CUSTODY FOR EMERGENCY DETENTION

- A. If an officer determines that an Emergency Detention is necessary, the following procedures will be utilized:
1. A minimum of two officers should be present before any action is taken to take the subject into custody.
 2. Should a patient refuse an officer entry into their home for the purpose of apprehending him, the officer will not force entry unless a life is in immediate danger.
 3. Take the person into custody and apply handcuffs for transport. Explain that handcuffs are necessary for everyone's protection. (If officers believe the subject will not resist, inform the subject of your intentions beforehand and explain your reasoning. If officers believe the subject will resist, immediate forceful action may be necessary to restrain the individual. Officer safety is paramount.)
 4. Officers are reminded that the use of force is authorized to the extent necessary to take the subject into custody.
 5. Proceed to the mental health facility and turn the subject over to the center staff.
 6. Complete an Application for Emergency Detention. The application should detail the actions of the subject that led you to believe he was a danger to himself or others.

7. Complete an Incident Report detailing the event and a copy of the petition shall be attached to the report.

B. Physically Ill Mentally Disturbed Persons

1. When a Mentally Ill person is also physically ill or injured requiring transport by ambulance, an officer will ride in the rear of the ambulance with the person.

VII. CRIMINAL OFFENSES INVOLVING THE MENTALLY ILL

- A. Individuals who commit criminal acts but are believed by the officer to be exhibiting symptoms of mental illness and that are an immediate danger to themselves or others should be taken into custody and taken to the mental health facility under an Application for Emergency Detention. The officer will prepare an offense report providing all the details of the offense and the subject's behavior. Should the individual be determined to be competent after their evaluation, they shall be filed on for the offense and a warrant obtained for their arrest.
- B. Individuals who commit criminal acts and are believed by the officer to be exhibiting symptoms of mental illness but there is no evidence that the person is an immediate danger to themselves or others:
 1. if the offense is a misdemeanor, be released to a competent adult caregiver or booked into jail. If booked into jail, every attempt will be made to locate a caregiver and release the person to the caregiver on personal recognizance.
 2. if the offense is a felony, the individual will be booked into jail and every attempt will be made to contact a caregiver. The individual will be required to make bond.
 3. in cases of family violence, a supervisor should be consulted to determine an appropriate response.
 4. Suspected mentally ill, non-violent juveniles who are being cared for by a responsible person will not be detained unless a felony has been committed.
 5. Suspected mentally ill, violent juveniles, or those who have committed a felony, will be transported to the mental health facility.

VIII. REPORTING

- A. If a criminal incident involving a mentally ill person is reported, all pertinent information involving the offense must be included in that report.
- B. Certain individuals may habitually display unusual behavior which is and may become well known to the Police Department. Whenever contact is made with these individuals an Incident Report will be completed to document the situation.
- C. Any information which is requested to be included into the Computer Aided Dispatch (CAD) regarding a mentally ill person who is a hazard to police officers should be accomplished in writing and forwarded to the Communications Office.

IX. REFERRALS TO MENTAL HEALTH FACILITIES

- A. Attempted Suicide: When an officer is dispatched to a call in which a person has attempted suicide or is threatening suicide, the officer shall make certain that the immediate situation is stabilized. The officer shall also attempt to locate a relative, close friend, or other responsible party that is available. The officer shall then contact the appropriate mental health facility/provider for assistance and/or emergency detention. An Incident Report shall be completed regarding the attempted suicide.

X. TRANSPORTATION

Transportation of persons detained under the provisions of the Texas Health and Safety Code applicable to mental patients is governed by Section 574.045 of that Code.

- 1. Where possible, transportation of detained mental patients shall be conducted by the patient's relatives, or appropriate State or mental health authorities.
- 2. In circumstances where transportation of detained mental patients by officers of this department is necessary:
 - a. Such transportation shall be direct to the designated mental health facility;
 - b. Absent an emergency, the patient shall be accompanied by two officers, if available, or a relative of the same gender.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 807 Dealing with the Developmentally Disabled	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Persons afflicted with developmental disabilities are limited in their ability to effectively communicate, interact with others, and make reasoned decisions on their own. While the symptoms may appear similar to individuals with mental illness, the reasons for their behavior is different. Therefore, it is the policy of this agency that officers understand the symptomatic behavior of such persons and be prepared to deal with them in a manner that will best serve their needs and this department, the community and the individual.

II. PURPOSE

It is the purpose of this policy to provide officers with information on the symptoms and effects of developmental disabilities so that officers may better recognize and deal with such persons in enforcement and related capacities.

III. DEFINITIONS

- A. **Developmental Disability:** A potentially severe, chronic disability attributable to a physical or mental impairment or combination of impairments, resulting in substantial functional limitations to major life activities such as understanding and expression of language, learning, mobility, self-direction, self-care, capacity for independent living, and economic self-sufficiency.

Developmental disabilities, (such as those experienced by persons who have developmental delays, autism, or Tourette's syndrome) are not the same as and should not be confused with forms of mental illness such as schizophrenia or the more common mood disorders.

While many of the symptoms may appear to be similar to those with a mental illness, a developmental disability is one that slowed or halted the individual's normal development and may be permanent in nature; whereas mental illness may occur to individuals who have fully developed mentally but have illnesses which impact their behavior.

IV. PROCEDURES

A. Common Symptoms. There are numerous forms of developmental disabilities. Many of the persons who have such disabilities have other related but distinct disorders as well (such as Asperger syndrome, Fragile X syndrome, and Rett syndrome). Although officers are not in a position to diagnose persons with such disabilities, officers shall be alert to the symptoms that are suggestive of such disorders. These include but are not limited to the following symptoms in various combinations and degrees of severity:

1. Difficulty communicating and expressing oneself
2. Communication by pointing or gestures rather than words
3. Repetition of phrases or words
4. Repetitive body movements—may be harmful to themselves (movements may include, but are not limited to, swaying, spinning, clapping hands, flailing arms, snapping fingers, biting wrists, or banging the head) Little or no eye contact
5. Tendency to show distress, laugh, or cry for no apparent reason
6. Uneven gross or fine motor skills
7. Unresponsiveness to verbal commands; appearance of being deaf even though hearing is normal
8. Aversion to touch, loud noise, bright lights, and commotion
9. No real fear of danger
10. Oversensitivity or under sensitivity to pain
11. Self-injurious behavior

B. Common Encounters. Officers may encounter persons who have developmental disabilities in a variety of situations commonly involving persons without such disabilities. However, due to the nature of developmental disabilities, following are some of the most common situations in which such persons may be encountered:

1. Wandering - Developmentally delayed, autistic, or other developmentally disabled persons sometimes evade their parents, supervisor, caregiver, or institutional setting and may be found wandering aimlessly or engaged in repetitive or bizarre behavior in public places or stores.
2. Seizures - Some developmentally disabled persons, such as those suffering from autism, are more subject to seizures and may be encountered by police in response to a medical emergency.
3. Disturbances - Disturbances may develop and a caregiver may be unable to maintain control of the disabled person who is engaging in self-destructive behavior or a tantrum.
4. Strange and bizarre behavior - Strange or bizarre behavior may take innumerable forms prompting calls for service, such as picking up items in stores (e.g., perceived shoplifting), repetitive and seemingly nonsensical motions and actions in public places, inappropriate laughing or crying, and personal endangerment.

5. Offensive or suspicious persons - Socially inappropriate or unacceptable acts, such as ignorance of personal space, annoyance of others, or inappropriate touching of others or oneself, are sometimes associated with the developmentally disabled who often are not conscious of acceptable social behavior.
- C. Handling and Deescalating Encounters. Some persons with developmental disabilities can be easily upset and may engage in tantrums or self-destructive behavior or may become aggressive. Fear, frustration, and minor changes in their daily routines and surroundings may trigger such behavior. Therefore, officers shall take measures to prevent such reactions and deescalate situations involving such persons in the course of taking enforcement and related actions. These include the following:
1. Speak calmly; use nonthreatening body language. Using a stern, loud, command tone to gain compliance will have either no effect or a negative effect on a developmentally disabled person. Use nonthreatening body language; keep your voice calm and your hands to your sides. Be aware that such persons may not understand the Miranda warning even if they say they do.
 2. Keep the commotion down. Eliminate, to the degree possible, loud sounds, bright lights, and other sources of overstimulation. Turn off sirens and flashers, ask others to move away, or, if possible, move the developmentally disabled person to more peaceful surroundings.
 3. Keep animals away. Keep canines in the police vehicle and preferably away from the area, and ensure that other dogs are removed.
 4. Look for personal identification. Look for medical ID tags on wrists, neck, shoes, belt, or other apparel. Some persons carry a card noting that they are developmentally disabled and possibly nonverbal. That card should also provide a contact name and telephone number.
 5. Call the contact person or caregiver. The person's caregiver or institutional or group home worker is an officer's best resource for specific advice on calming the person and ensuring the safety of the person and the officer until the contact person arrives on the scene.
 6. Prepare for a potentially long encounter. Dealings with such a person cannot be rushed unless there is an emergency situation. De-escalation of the situation using calming communication techniques can take time, and officers should inform their dispatcher or supervisor or both that this might be the case if circumstances dictate.
 7. Repeat short, direct phrases in a calm voice. For example, rather than saying "Let's go over to my car where we can talk," simply repeat "Come here," while pointing until the person's attention and compliance is obtained. Gaining eye contact in this and related situations is essential. Be direct by repeating, "Look at me," while pointing to the person's eyes and yours.

8. Be attentive to sensory impairments. Many persons who have autism have sensory impairments that make it difficult for them to process incoming sensory information properly. For example, some may experience buzzing or humming in their ears that makes it difficult for them to hear. Should an officer identify a sensory impairment, he or she should take precautions to avoid exacerbating the situation:
- a. Don't touch the person. Unless the person is in an emergency situation (e.g., has been seriously injured or is in imminent peril), speak with the person quietly and in a nonthreatening manner to gain compliance.
 - b. Use soft gestures. When asking the person to do something, such as look at you, speak and gesture softly. Avoid abrupt movements or actions.
 - c. Use direct and simple language. Slang and expressions (e.g., "spread 'em") have little or no meaning to such persons. Normally, they will understand only the simplest and most direct language (e.g., come, sit, stand).
 - d. Don't interpret odd behavior as belligerent. In a tense or even unfamiliar situation, these persons will tend to shut down and close off unwelcome stimuli (e.g., cover ears or eyes, lie down, shake or rock, repeat questions, sing, hum, make noises, or repeat information in a robotic way). This behavior is a protective mechanism for dealing with troubling or frightening situations. Don't stop the person from repetitive behavior unless it is harmful to him or her or others.
 - e. Be aware of different forms of communication. Some developmentally disabled persons carry a book of universal communication icons. Pointing to one or more of these icons will allow these persons to communicate where they live, their mother's or father's name, address, or what he or she may want. Those with communication difficulties may also demonstrate limited speaking capabilities, at times incorrectly using words such as "You" when they mean "I."
 - f. Don't get angry at antisocial behaviors. For example, when asked a simple question like "Are you all right?" the person may scream, "I'm fine!" Many such persons don't understand that this is not appropriate.
 - g. Maintain a safe distance. Provide the person with a zone of comfort that will also serve as a buffer for officer safety.

D. Taking Persons into Custody. Taking custody of a developmentally disabled person should be avoided whenever possible as it will invariably initiate a severe anxiety response and escalate the situation. Therefore, in minor offense situations, officers shall explain the circumstances to the complainant and request that alternative means be taken to remedy the situation. This normally will involve release of the person to an authorized caregiver. In more serious offense situations or where alternatives to arrest are not permissible, officers shall observe the following guidelines:

1. Contact a supervisor for advice.
2. Avoid the use of handcuffs and other restraints unless unavoidable. Use of restraints will invariably escalate panic and resistance.
3. Summon the person's caregiver to accompany the person and to assist in the calming and intervention process. If a caregiver is not readily available, summon a mental health crisis intervention worker if available.
4. Employ calming and reassuring language and de-escalation protocols provided in this policy.
5. Do not incarcerate the person with others and do not leave the person unattended.
6. Until alternative arrangements can be made, put the person in a quiet room with subdued lighting with a caregiver or other responsible individual or another officer who has experience in dealing with such persons. Provide the person with any comfort items that may have been in his or her possession at the time of arrest (e.g., toys, blankets, foam rubber objects).

E. Interviews and Interrogations. Officers conducting interviews or interrogations of a person who is, or who is suspected of being, developmentally disabled should consult with a mental health professional and the prosecuting attorney's office to determine whether the person is competent to understand his or her rights to remain silent and to have an attorney present. If police interview such persons as suspects, victims, or witnesses, officers should observe the following in order to obtain valid information:

1. Do not interpret lack of eye contact and strange actions or responses as indications of deceit, deception, or evasion of questions.
2. Use simple, straightforward questions.
3. Do not employ common interrogation techniques, suggest answers, attempt to complete thoughts of persons slow to respond, or pose hypothetical conclusions, recognizing that developmentally disabled persons are easily manipulated and may be highly suggestible.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 808 Hazardous Materials	
	Effective Date: 02/01/2023	Replaces: 06/01/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

The Terrell Hills Fire Department is trained, equipped and responsible for the handling of any biohazard materials or situations in Terrell Hills. In the event that additional resources or assistances is required, The Terrell Hills Fire Department will activate their mutual aid agreement with the city of Alamo Heights. And the Regional Hazardous material Response through the STRAC.

II. PURPOSE

It is the purpose of this policy to provide officers with information on the procedures involving hazardous materials.

III. PROCEDURES

Immediately notify the Terrell Hills Fire Department when there are known or suspected hazardous materials on scene.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 809 Opioid Overdose and Intranasal Naloxone	
	Effective Date: 06/01/2024	Replaces:
	Approved: Gail Baham Chief of Police	
	Reference:	

I. PURPOSE

The purpose of this policy is to establish broad guidelines and regulations governing the utilization of naloxone by trained personnel within the Terrell Hills Police Department. The objective is to reduce injuries and fatalities due to opioid-involved overdoses when law enforcement is the first to arrive at the scene of a suspected overdose.

II. POLICY

Terrell Hills Police Department personnel may possess and administer naloxone so long as they have been trained by Terrell Hills Fire Department Paramedics authorized to provide the training.

III. DEFINITIONS

A. Opioid: A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress activity of the central nervous system: these will reduce pain, induce sleep, and in overdose, will cause people to stop breathing. First responders often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®, Percocet®), and hydrocodone (Vicodin®).

B. Naloxone: A medication that can be used to reverse the effects of an opiate overdose. Specifically, it displaces opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks, including Narcan®.

C. Overdose Rescue Kit: At minimum should include the following:

1. Two (2) prefilled luer-lock syringes, without needles, each containing 2mg of naloxone in 2ml of solution, and within their manufacturer assigned expiration dates.

or

2. Two (2) mucosal atomizer device (MAD) tips, 4mg of naloxone in .1ml of solution.

IV PROCEDURES

A. Deployment:

1. Terrell Hills Police Lieutenant will be the coordinator for the naloxone administration program: Responsibilities will include:
 - a. Maintaining training records for personnel.
 - b. Assuring the supply, integrity and expiration dates of the Overdose Rescue Kits and;
 - c. Assuring the maintenance of the administration records.
2. The Police Lieutenant will ensure the officers carrying or having access to the Overdose Rescue Kits are trained in the use of the naloxone.
3. Refresher training should occur at minimum biennially and consist of familiarity with the assembly of the Overdose Rescue Kit and the effective administration and maintenance of naloxone.

B. Naloxone Use

1. Officers will request an ambulance to respond to the scene where the aided is in a potential overdose state.
2. Officers should use universal precautions and protections from blood borne pathogens and communicable diseases when administering naloxone.
3. Officers will determine need for treatment with naloxone by evaluating the aided: if the aided is unresponsive with decreased or absent respirations they should administer naloxone following the established training guidelines.
4. Once the assessment of the aided is complete; which should include, but may not be limited to determining unresponsiveness and other indicators of opioid involved overdose, each officer will administer the medication from the Overdose Rescue Kit following the established training guidelines.
5. Officers will use proper tactics when administering naloxone; aided individuals who are revived from an opioid overdose may regain consciousness in an agitated and combative state and may exhibit symptoms associated with withdrawal.
6. Officers will remain with the aided until EMS personnel arrive.
7. Officers will inform EMS personnel upon their arrival that naloxone has been administered.

C. Maintenance/Replacement of Naloxone:

1. Overdose Rescue Kits will be carried in a manner consistent with proper storage guidelines for temperature and sunlight exposure.
2. Used, lost, damaged, or expired Overdose Rescue Kits will be replaced according to policy.
3. Expired naloxone will be:

- a. Maintained by the agency for use in training; or
- b. Properly disposed of according to agency policy.

D. Documentation:

1. Following naloxone administration, the officer shall submit an THPD Naloxone Quality Improvement Usage Report to the Police Lieutenant for review. A copy of the incident report will be attached to the Naloxone Quality Improvement Usage Report.
2. Appendix A contains the THPD Naloxone Quality Improvement Usage Report.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 901 Communications Procedures	
	Effective: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Accurate communication is essential in the operation of a Department. The Alamo Heights Police Communications Center is a 24-hour operation designed to provide safety and security to police personnel and respond to the needs of the public. It is essential that every step in our communication process be conducted concisely, effectively, and properly.

II. PURPOSE.

To establish guidelines for the proper response to calls received through the 911 System.

III. DEFINITIONS.

- A. E 9-1-1: Enhanced 911 means when a 911 call is received, the address of the caller is displayed. The telephone number 911 is intended for emergency telephone communications to the Department.
- B. Call-Taker: Any employee who answers an Emergency 9-1-1 telephone call.
- C. Unknown 911: That a call has been received on the Emergency 9-1-1 System and the caller will not or cannot communicate verbally with the call-taker. The address and telephone number of the caller will generally be available.
- D. ANI: Automatic number identification and refers to the display on the call-takers screen of the callers' telephone number when the Emergency 9-1-1 line is answered.
- E. ALI: Automatic location identification and refers to the display on the call-takers screen of the callers' address when the Emergency 9-1-1 line is answered.

IV. GENERAL

- A. The Alamo Heights Police Communications Center operates 24 hours a day and has 24 hour two-way radio communication with all members of the Department operating in the field.
- B. The Alamo Heights Police Communications Center is a secure facility and no unauthorized personnel are allowed inside the facility without the express approval of a Communications Supervisor.
- C. Police personnel will limit their access to the Communications Center to business related tasks and shall not take breaks, do reports, or otherwise visit personnel inside the Center.
- D. The Communications Center has an Emergency Back-up Generator for power and portable radios and cell phones for communications in the event of a power failure.
- E. The dispatch consoles have a recording system that records all telephone and radio transmissions and allows for immediate playback if necessary.

V. COMPLIANCE WITH FCC RULES AND REGULATIONS

- A. Officers will comply with FCC regulations relating to the use of radio communications systems.
- B. Officers will follow established guidelines and procedures as outlined below:
 - 1. Communications involving the protection of life and property shall be afforded priority.
 - 2. False calls, false or fraudulent distress signals, unnecessary and unidentified communications, and the transmission of unassigned call signals are specifically prohibited.
 - 3. Officers shall monitor the frequency on which they intend to transmit for a sufficient period to ensure that their transmissions will not cause interference to others.
 - 4. Duration of radio transmissions must be restricted to the minimum practical transmission time.

VI. RADIO COMMUNICATIONS

- A. Only English will be spoken. Clear, concise, and controlled language will be used. Obscene, indecent, profane or slang language, horseplay and joking are not permitted. Ten-Codes will not be used.
- B. Officers calling the station shall identify themselves by their assigned unit number. They should not continue the transmission until acknowledged by the dispatcher.

- C. Officers will give their unit number when responding to the dispatcher.
- D. Officers will not call for another employee by name unless their radio or unit number is unknown.
- E. Officers will advise the dispatcher of their arrival on the scene of a dispatched call using proper radio etiquette.
- F. Upon arrival at a scene, officers will notify the dispatcher if no other units are needed.
- G. If an incident is found to have occurred somewhere other than at the dispatched location, the officer will update their location by radio or via message to dispatcher.
- H. Upon completion of a call, officers will clear the call in the proper manner via radio and immediately go back in service.
- I. Lengthy transmissions should not be made on the radio system's primary channels. Long transmissions should be done over a secondary channel when available, or via a cell phone if available. Long transmissions should always be held to a minimum.
- J. Officers will not become engaged in an argument on the radio. Conflict between an officer and a dispatcher should be referred to the employees' immediate supervisors for resolution.
- K. Officers shall refrain from seeking advice from a dispatcher regarding a point of law, enforcement action, or Department policy. Officers should consult their immediate supervisor on these matters.

VII. EMERGENCY SITUATIONS

- A. Transmissions regarding emergencies (e.g., pursuits, serious crimes in progress, etc.) will be given priority over all other transmissions. Officers not involved in the emergency will stay off the air until the situation has been resolved.
- B. When an "officer needs assistance" call is received, Communications will make a general broadcast to all units.

VIII. MONITORING RADIO CHANNELS

- A. Field units will continuously monitor their primary channel.
- B. Investigative, support and special unit personnel will monitor the patrol channel when they are in the field.
- C. Supervisors may monitor additional frequencies; however, they will remain available to their primary channel.

IX. RESPONSIBILITY OF SUPERVISORS

- A. Supervisors will carefully monitor and supervise the use of the radio to assist their officers as needed.
- B. Supervisors are responsible for the radio conduct of their subordinates and should immediately correct improper radio procedures.
- C. When called upon by subordinates, supervisors will respond to any scene when requested.

X. CALL HISTORY

The following information will be created and maintained regarding each request for police services (call for service) and officer self-initiated activity and will include:

- A. case or service number;
- B. date and time of request;
- C. name and address of complainant, if possible;
- D. type of incident reported;
- E. location of incident reported;
- F. identification of officer(s) assigned as primary and backup;
- G. time of dispatch;
- H. time of officer arrival;
- I. time of officer return to service; and
- J. disposition or status of reported incident.

XI. ASSIGNMENTS OF CALLS FOR SERVICE

A. Assignment of Emergency Calls

1. Units Available/Units Not Available

- a. Calls for service shall be assigned to the in-service officer responsible for the area in which the call is located. When area officers are not available, the nearest area officer will be selected. Officer safety and call priority will be the first consideration when selecting alternate area officers.
- b. Supervisors will monitor dispatching of Emergency calls and ensure that officers are, or quickly become, available to respond.

2. Backup Units

- a. Backups are assigned to ensure officer safety, to help secure crime scenes, and to check the area for suspects. Most emergency calls will require a backup. The decision to send a backup on a non-emergency call is decided on a call-by-call basis. However, supervisors or on-scene officers may authorize the response of additional units if needed.

3. General broadcasts can be used for DWI's, auto theft information, warrant information, missing persons, serious weather, and to alert officers of a pending call.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 1001 Prisoner Processing	
	Effective: 02/01/2023	Replaces: 06/01/2020
	Approved:	Gail Baham Chief of Police
	Reference:	

I. POLICY

This Department does not maintain or operate a holding facility. The policy of this Department is to process prisoners without delay and safely transport them to the Bexar County Adult Detention Facility, at 200 N. Comal, San Antonio, TX.

II. PURPOSE

To provide operational procedures for transport of prisoners.

III. GENERAL ISSUES

A. Supervision

The operational policies and supervision of Bexar County Adult Detention Facility is the responsibility of the Sheriff. Members of this agency will conform to their requirements when processing prisoners for holding in their facility. Any difficulties encountered by members of this Department should be brought to the attention of a Department supervisor as soon as possible.

B. Access to Facility

Access to the Bexar County Adult Detention Facility is limited to persons in custody over the age of 17. Juveniles are prohibited from entering the facility at any time. Juveniles taken into custody are transported immediately to the juvenile's home, to the juvenile processing room at the Terrell Hills Police Department, or to the Bexar County Juvenile Detention Facility at 600 Mission Rd.

IV. FACILITY SECURITY

A. Firearms and Weapons

1. Weapons may be secured in an appropriate lock box or secured in the patrol vehicle trunk prior to entering the facility. No firearms or other weapons (firearm magazines, batons, knives, or less lethal weapons) are to be carried into any holding or detention facility.
2. Weapons (that are not contraband) that are not part of an investigation but are part of prisoner's property will not be placed in prisoner's property in the holding facility, but will be placed in the Department's property room for safekeeping.

V. PRISONER PROCESSING

A. Prisoner Control and Security

1. All arrested persons are thoroughly searched for weapons and contraband at the scene of the arrest prior to being placed in a police vehicle. Any contraband located on the arrested person is considered evidence, is seized, and properly secured as evidence. Any property removed from a suspect shall either be securely maintained by the arresting officer until released to the custody of the personnel at the Bexar County Adult Detention Facility when the individual is booked, or placed in property for safekeeping at the Terrell Hills Police Department. (TBP 10.10)
2. Persons arrested by this agency may be transported to the police department facility for paperwork processing prior to transport to the Bexar County Adult Detention Facility. At no time will any person arrested or detained be left alone while in custody in a police vehicle or while in the department facility. Unless approved by a supervisor, no prisoner will be held longer than three (3) hours before transport to the Bexar County Adult Detention Facility.
3. Persons in custody that are transported to the Bexar County Adult Detention Facility are escorted into the facility through the holding facility rear door.
4. Upon arrival at the facility, officers will follow policy established by that facility.
5. All booking activity is conducted in accordance with established policy.

B. Juvenile Detentions

1. If the child is detained and transported to the police building, they are only detained in the area designated as Juvenile Processing Office. Under no circumstances is a child, who is in custody, left unsupervised. All children held at the police facility shall remain out of sight and sound of adult prisoners.
2. A child who is being held for a status offense is not to be detained in a secured area or any locked room. Status offenders are held in non-secured area, out of sight and sound of adult prisoners.

C. Strip Searches (TBP 10.14)

1. Strip searches are never performed in the field and are only performed by trained personnel at the County Jail after approval of a Department supervisor and County Supervisor. Strip searches may be requested when officers have reasonable cause to believe the prisoner(s) may be concealing a weapon, drug, or other contraband.
2. Under no circumstances will a Terrell Hills Police Officer conduct a strip search of any person.
3. Before a strip search may be conducted, it must be approved by the Chief of Police or the on duty or on-call Department supervisor.
4. Strip searches are conducted in the manner prescribed by Bexar County Jail procedures.
5. Strip searches are documented in the arrest report along with the officer's justification for such search. The form is forwarded to the Chief of Police for review and filing.

D. Body Cavity Searches (TBP 10.15)

1. Body cavity searches are never performed in the field and if requested and approved, are only conducted by competent medical personnel in compliance with Bexar County Jail procedures. If an officer has reasonable cause to believe a body cavity search is needed to detect weapons, drugs, or other contraband, the following procedures apply:
 - a. The Chief of Police or the on duty or on-call police supervisor is notified
 - b. A search warrant is secured

- c. The detainee is transported to the Bexar County Jail Hospital Unit.
 - d. The search is conducted by the on-duty medical personnel, while officers stand by to take control of any evidence and provide security to the medical personnel conducting the search.
2. Under no circumstances will a Terrell Hills Police Officer conduct a body cavity search of any person.

E. Medical Attention

1. Should an arrested person have obvious injuries or complain of injury or illness, the arresting officer will ensure the individual is examined by EMS personnel before transport.
2. If the severity of medical conditions is unclear or if a prisoner requests medical attention, he shall be transported as soon as possible to a medical facility for evaluation- either by EMS or the arresting officer. The arresting officer shall be responsible for the security of the prisoner while at a designated medical care facility until relieved by proper personnel.

F. Fingerprints and Photographs

1. All prisoners will be fingerprinted at the Bexar County Jail by jail personnel.
2. Digital photographs will be taken of all prisoners at the Terrell Hills Police Department.

G. Arrest Reports

1. All individuals detained will have an Arrest Report completed using the computerized offense and arrest report system.
2. Arrest reports contain information about the offense and the probable cause to believe the person committed the offense or a reference to an offense report where such information is provided.
3. Arrest reports are completed in the format provided in the computer system.
4. All arrest reports and related offense reports will be completed by the arresting officer prior to end of shift.

5. If the Intake Attorneys at the Magistrates Office do not believe there is sufficient probable cause to hold an individual, the on-duty or on-call supervisor should be contacted immediately.

H. Access to Consul (TBP: 10.22)

1. Detainees are asked about their Citizenship. Should a detainee be other than a U.S Citizen, the detainee is asked by the arresting officer if they wish their Consul to be notified. If so, the Consul is notified by the Alamo Height Police Dispatch Center using the list of Consuls maintained therein. Notification or refusal is noted in the officer's arrest report.

	TERRELL HILLS POLICE	
	Policy	1101
	Municipal Court Operations	
	Effective: 02/01/2023	Replaces: 09/07/2021
	Approved: Gail Baham Chief of Police	
Reference:		

I. POLICY

Proper security and decorum in the Municipal Court is necessary for the effective administration of justice and for the protection of court personnel and the public. Regardless of the level of offense, court hearings can be emotionally charged, and proper order and control must be maintained. The Department provides officers to serve as Bailiff's for the Municipal Court and to ensure the proper security and protection of court personnel and attendees.

II. PURPOSE

The purpose of this order is to establish guidelines and procedures for security of the Municipal Court.

III. ORGANIZATION AND STAFFING

- A. The Dayshift Patrol of the Police Department is responsible for security when municipal court is in session. The Department is also responsible for the emergency operation plans for incidents occurring in the Court.
- B. Two (2) uniformed and armed officers are assigned as Bailiffs when Court is in session. The on-duty supervisor will ensure that the Bailiff's report to the Court Clerk to determine what is required for the Court session.

IV. OPERATIONS AND SECURITY PLAN

- A. The assigned Bailiff's attend all sessions of the Court to ensure the following:
 1. Perform opening ceremonies of the Court and announce the Judge.
 2. Enforce the rules of the Court and preserve order and decorum while Court is in session.

3. Maintain proper procedures during jury trials, maintaining security of the jury room, and seeing to the needs of jurors and witnesses.
4. The Municipal Court Judge, Prosecutor, and Court Clerk have access to city as well as personal cellular phones if needed. (TBP 11.02)
5. The Bailiff's are equipped with portable police radios and personal cellular phones. (TBP 11.02)
6. The Bailiff's have access to a flashlight in case of a power failure.

B. Pre-session Inspection

1. The Bailiff's arrive at least 15 minutes prior to the court convening.
2. The Bailiff's conduct a physical inspection of the courtroom prior to court and ensures the following:
 - a. The courtroom is free of weapons and contraband,
 - b. Emergency doors in the courtroom are free of obstructions,
 - c. Lighting is adequate,
 - d. All public entrances are open and are free of obstructions,
 - e. The Fire Evacuation plan route is clearly posted.

C. Courtroom Operations

1. The public enters and exits the building through the doors located on the northeast side of the building facing the parking lot.
2. Prior to entering the courtroom, a Bailiff will address those attending to determine if any firearms or prohibited weapons are on their person. Attendees will be subject to the following:
 - a. scan by a metal detecting wand,
 - b. physical search of their belonging (purse, handbag, backpack, etc.)
 - c. If an attendee refuses a search they will not be admitted into the courtroom.
3. If a person is discovered to have a firearm or prohibited weapon in their possession, they will not be admitted into the courtroom and directed to secure the weapon in their personal vehicle. In the absence of a vehicle, attendees are subject to the following procedure:
 - a. The Bailiff will secure the attendee(s) weapon(s) in a secured gun safe that will be located in a separate room from the courtroom. .
 - b. The Bailiff will obtain a signed receipt for any weapons secured in the gun safe.
4. One (1) Bailiff will remain in the courtroom at all times unless otherwise directed by the Judge.

5. Bailiff's and peace officers are the only persons authorized to carry weapons in the courtroom.
6. Contraband taken into the courtroom for evidence purposes remains in the possession of the testifying officer unless otherwise directed by the judge.
7. When Court is concluded the Bailiff assigned to the courtroom will walk the Judge to his personal vehicle to ensure the Judge safely leaves the location.

D. Unusual Occurrences

1. In the event of an unusual occurrence, the bailiff's or ranking police officer assumes control and requests additional police, fire, or medical assistance as the circumstances require.
2. Medical Emergencies in the Courtroom
 - a. All requests for medical assistance or additional security will be called into the dispatch center.
 - b. In the event of a medical emergency, the judge orders all proceedings stopped.
 - c. If the medical emergency involves a court participant or spectator, the bailiff maintains security and provides any assistance possible.
 - d. If other police officers are present, the ranking officer assumes control and directs the actions of the bailiff, responding officers, and other personnel.
 - e. The Terrell Hills Fire Department and Alamo Heights EMS will provide emergency medical service.
 - f. The bailiff is responsible for all police reports necessitated by a medical emergency.
3. Fire Evacuation Plan (TBP 11.03)
 - a. Prior to court convening, the bailiff conducts a physical inspection to ensure that all doors are functioning and free of obstructions.
 - b. In the event of a fire in the courtroom or city hall complex, the bailiff assumes control of the courtroom evacuation as per posted evacuation route/procedures.
 - c. Those persons present in the courtroom are instructed to exit through the nearest exit door and out the building through the nearest public entrance.
 - d. All calls for fire emergencies are made by use of two-way portable radios with Dispatcher.
4. Bomb threats

- a. In the event of a bomb threat, the bailiff notifies police dispatch immediately and evacuates the Court. The bailiff ensures that the Court Administrator is notified of the situation.

5. Active Shooter(s)

- a. In the event of an active shooter, the Bailiff's will take immediate action to stop the threat. In addition, the Bailiff's will notify police dispatch, summon medical attention, and if possible, provide emergency first aid, evacuate the court and secure the scene.
- b. Field personnel are dispatched to establish and secure a perimeter and provide assistance to the Bailiff's.

6. Hostage Situations

- a. The bailiff notifies police dispatch, attempts to isolate the actor(s) and, if possible, evacuate and secure the area.
- b. Field personnel are dispatched to establish and secure a perimeter.

V. MUNICIPAL COURT SECURITY COMMITTEE

A. A Municipal Court Security Committee will be established to oversee court security and operations. The Committee will consist of the following:

- 1. a member of the Police Department Administration,
- 2. the Municipal Court Clerk,
- 3. the presiding Judge or his/her designee,
- 4. a member of the City of Terrell Hills Administration
- 5. any other person the Committee deems necessary.

B. The Committee will meet as necessary to discuss issues and to make adjustment to current policy and procedures.

VI. COURT SECURITY INCIDENT REPORTING

A. THPD is required to submit a written report to the Office of Court Administration (OCA) regarding any security incident involving court security that occurs in or around a building housing a court. This report must be:

- 1. submitted to the OCA no later than the third business day after the date the incident occurred and,
- 2. a copy of the report must also be provided to the presiding judge of the court in which the incident occurred.

B. A court security incident is any adverse event that threatens the security of a person or property or causes or may cause significant disruption to functions of the court due to a breach in security. This includes, but is not limited to,

1. threats to harm a person or property,
2. disorderly conduct,
3. assaults,
4. escape or escape attempts,
5. weapons or introduction of weapons,
6. contraband, not relating to evidence in a case or,
7. any other serious situation involving security issues that disrupts court activities.

C. A medical emergency or a non-threatening personnel matter does not require reporting to the OCA.

VII. HIGH RISK TRIALS

- A. The Municipal Court has jurisdiction only over Class C misdemeanor offenses. The majority of business conducted relates to traffic offenses or City Ordinance Violations. The likeliness of any high-risk trials are slim to none.
- B. Persons in custody are not normally brought to the Court Building, and trial defendants are not in police custody. If a trial or arraignment should pose a possible threat to the Judge, jury, or participants in a proceeding, the Judge or prosecutor notifies the bailiff to take additional precautions. If the Judge deems a trial to be high risk, the bailiff consults with the Chief of Police and assesses the need for further staffing.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 1201 Property and Evidence Management	
	Effective: 02/01/2023	Replaces: 06/01/2020
	Approved: Gail Baham Chief of Police	
	Reference: TBP: 12.01, 12.03, 12.04, 12.05, 12.0 12.06, and 12.08. 7	

I. POLICY

Proper documentation, collection, preservation, and submission of physical evidence, to a forensic laboratory, is essential to a thorough investigation and successful prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. It is imperative to understand that evidence not only serves to convict the guilty, but also to clear or acquit the innocent. The purpose of Property and Evidence Management is to maintain those property items coming into the possession of the department in such a manner as to secure them from theft, loss, or contamination, and to maintain them for easy retrieval as needed.

II. PURPOSE

The purpose of this order is to develop and implement property room procedures designed to protect the integrity of the Property and Management system.

III. ORGANIZATION AND ACCOUNTABILITY

- A. The Chief of Police will appoint a primary and alternate Property Custodian. The Property Custodian is responsible for maintaining security and control of all property and evidence that the department acquires through normal duties and responsibilities. The alternate serves as backup when the assigned Property Custodian is unavailable.
- B. The Primary Property Custodian is accountable directly to the Chief of Police.
- C. The Property Custodians shall satisfactorily complete a TCOLE approved basic course on the management of property, on the job training, and other related training courses, seminars and/or conferences as appropriate.

D. Duties Responsibilities

1. The primary duty of the Property Custodian is to log, classify, store, dispense, destroy, and release property and evidence to its rightful owner, for court presentation and/or for destruction or auction. Additional duties include, but are not limited to the following:
 - a. Maintain evidence or property in such a manner that the individual items are secure from theft, loss, or contamination, and can be located in a timely manner.
 - b. Maintain property reports and other documentation associated with the “chain of custody” for all property.
 - c. Ensure the timely and legally correct notification of owners and release/disposal of property recovered, found, or seized by the Police Services.
 - d. Operate computer terminals to access information regarding case dispositions and other related information involving the classification and proper disposition of property/evidence.
 - e. Coordinate the disposal of unclaimed and/or surplus property and the special disposal of narcotics, weapons, explosives, and hazardous materials pursuant to law.
 - f. Release of property for court, auction, disposal, or person legally entitled to the item.
 - g. Provide in-service training to department personnel regarding the appropriate logging, packaging, documenting, and storage of property and evidence.
 - h. Provide effective liaison between the department and local, county, state and federal law enforcement agencies.
 - i. Represent the department while attending state and local associations involved with the management of property and evidence.
 - j. Stay abreast of local, state, and federal law involving property and evidence handling. Recommend and facilitate appropriate changes.
 - k. Maintain a clean and orderly property storage facility

IV. FACILITIES SECURITY (TBP: 12.04)

A. Access

1. The Property Room is maintained as a secure location. Access to the Property Room is restricted to the Property Custodian, and alternate Property Custodian. All entry into the property room by Property Custodian, and alternate Property Custodian is noted in the Property Room entry log.

2. Property or evidence is only removed from the Property Room by the Property Custodians.
3. The doors, gates, or other closure devices to any storage area are secured whenever the Property Custodians or other authorized personnel leave or are not present.

B. Key Control

1. A key card and numeric combination are required to open the main property room doors. The Property Custodian and alternate are the only individuals with both a key card and combination.
2. A complete set of other storage facility keys, combinations, alarm codes, etc. are in a sealed property envelope, initialed and dated by the Property Custodian and alternate Property Custodian. That envelope stays in the Police Chief's locked file cabinet as a backup for property room personnel. Inspection of this envelope is part of all property room audits and inventories.
3. Property room personnel may not relinquish property room keys, combinations, or alarm codes to anyone other than the Chief of Police.
4. When Property Custodians leave their assignment, the Chief of Police ensures that all locks, combinations, and codes are changed.
5. New locks are installed in the event that a key is lost, or security is otherwise compromised.

C. Alarms and Other Security Systems

1. The main property room is protected by an internal audible alarm system monitored by police dispatch and the Property Custodians. A video recording system activates anytime the property room door is opened or the internal alarm is activated. The security system sends an electronic mail message to the Property Custodian and alternate Property Custodian any time the Property Room door is opened. Only authorized personnel have access codes (codes change as required)
2. Authorized personnel entering the main property room deactivate the alarm using a key card and numeric combination
3. The alarm remains deactivated when the room is occupied and reset upon the departure of the Property Custodians.
4. The Property Custodian tests the entire security system at least once a month to ensure it is functioning.
5. Firearms storage is separate from other property in the property room, secured in the safe or long gun storage area. The safe remains locked at all times unless property is being stored, removed, or inventoried.
6. Controlled substances storage is separate from other property in the property room and secured in the safe. The safe remains locked at all times unless property is being stored, removed, or inventoried.
7. Money is separate from other property in the property room and secured in a locked safe. The safe remains locked at all times unless property is being stored, removed, or inventoried.

V. CATEGORIES OF PROPERTY

- A. For the purpose of these procedures, property in police custody falls into these categories:
 1. Evidence. Evidence is property that comes into the custody of a police department employee when such property may tend to prove or disprove the commission of a crime, or the identity of a suspect, pursuant to an official criminal investigation. Evidence or assets seized for forfeiture are handled in the same manner as other evidence.

2. Found Property. Found Property is property of no evidentiary value, which comes into the custody of an agency employee, and whose rightful owner may, or may not; be known to the finder or the department. Due diligence must be exercised to discover the rightful owner. If the owner cannot be located, the Department will dispose of the property in a time and manner prescribed by law.
3. Safekeeping. Safekeeping is property of no evidentiary value surrendered to an employee of this agency for temporary custody. This arrangement comes with the understanding that the person surrendering the property has the legal right to do so, and that the property will be returned to the rightful owner(s) at the end of a specified period, unless disposition by the Department, in a manner prescribed by law, is requested by the owner(s).

VI. DOCUMENTATION & RECEIPT OF PROPERTY (TBP: 12.01)

A. Documentation of Property

The police employee accepting that property documents the details upon taking property into the Department. That report contains a description of the item, along with all other pertinent details of how the item came into possession. The report must also include complete information on the person who found the property, or from whom it was seized or recovered.

B. Receipt of Property

1. The Property Custodian provides a receipt to any person when taking property if the property has not previously been documented in a report.

C. Computer Inquiry & Entry

1. All employees make the appropriate inquiries to the TCIC on all serialized or identifiable items collected or seized prior to placing the item into storage. This determines if the property is reported stolen or otherwise entered into the statewide system.
2. Dispatch verifies all "hits" prior to confiscating the item. After verification, a dispatcher sends the "locate" information.
3. The offense and property report reflects the status of the property items. The report also indicates that a "locate" was sent to the originating agency. It is the originating agency's responsibility to update the TCIC information from stolen to recovered status.

D. Property Forms

The property and evidence function requires the use of the following forms:

1. Evidence Bags and Boxes

- a. Evidence Bags and boxes serve as the primary method for submitting property for storage. A listing of the case number, date, location, applicable names, description of property and officer's name and ID number properly identify the property and its origin.
- b. Chain of Custody Form submitted with each property container (bag, box, etc), tracks the movement or release of the item.
- c. Property Tag. Officers affix a property tag securely to items that do not fit into evidence bags or boxes. This tag designates the case number, date of submission, and name and ID number of the submitting officer.
- d. Money Form. This form serves as the sole method for logging cash money into the property room. Cash is defined as coin and/or currency. Checks, credit cards or other negotiable items do not require the use of a money envelope. The Property Custodian does not accept money not packaged or logged appropriately, according to the following procedures:
 - i. Itemize money by denomination, listing subtotals and total amounts.
 - ii. All money logged into the property room requires at least two officers or employees to verify the count.
 - iii. All money envelopes must contain at least two signatures verifying the amount listed and enclosed. The entering officer and verifying officer sign their names and numbers to the front of the envelope, seal the envelope with tamperproof security tape. Both then initial the back of the envelope prior to entering it into the property locker. For accuracy, conduct two separate counts on large amounts of cash.

- iv. Extremely large amounts of coin and/or currency seized which, because of the container or quantity of money, make it impractical to package in a money envelope (e.g., coins stored in a large piggy bank or bottle, large amount of bills in a briefcase or satchel, etc.). In those rare cases, it is acceptable to log the container as it is. However, the need for a money count and money form still applies. Officers submitting the money secure the container with evidence tape to prevent tampering and tape the money form to the container.
 - v. Suspected counterfeit bills require a money form but have no cash value. Make a notation on the outside of the money envelope reflecting that the contents contain suspected counterfeit bills.
 - vi. The money form is not for foreign currency. If used, the outside of the envelope reflects that the envelope contains foreign currency.
- e. Property Receipt Form. The Property Receipt Form serves as a receipt for property taken into custody and documents the release of property to other entities. The Property Release Form also authorizes the release of property. No property is released without a completed Release Form.

VII. LOGGING PROPERTY & EVIDENCE

- A. Officers who seize property and are able to determine ownership in the field may release the property immediately to the owner if the property is not needed for prosecution in a criminal case. Officers should make contact with the investigating officer or the District Attorney's office if necessary to determine prosecutorial need. If the property can be released in the field, the officer will complete a Property Release Form and have the owner sign for receipt of the property. The form will be turned in to the property room where the Property Custodian will enter the property into the system and show it released in the field. The Property Release Form will be forwarded to CID for inclusion in the case file. (TBP: 12.06)
- B. Property that is seized by the department and not immediately released to the owner will be entered into the computer system and secured in the Property Room as soon after seizure as possible. Personal lockers, files, or desks are not approved storage for property or evidence items. Property custodian will log all property and evidence into the property room before the end of their shift. (TBP: 12.03)
- C. Maintaining property/evidence in a case file may be acceptable when it is necessary for the proper investigation of the case by the assigned detective; however, the property/evidence must first be logged into the property system and then signed out. The detective signing out the property /evidence is responsible for the evidence until returning it to the property room. The detective is also responsible for the integrity of the evidence while checked out.

D. Marking and Packaging

1. All collected property is marked for identification and packaged to avoid contamination.
2. Permanent and distinctive marking of the case number should be marked directly on objects collected (when possible) without damaging the evidence.
3. When unable to mark the exhibit itself (such as in the case of stains, hair, blood, controlled substances, etc.), place the item in a vial, envelope, container or other suitable package, then seal and mark the container.
4. There are a variety of containers and materials for use in packaging physical evidence and other property. Officers strive to use the size and type container appropriate for the type of property. An assortment of packaging materials and supplies for this packaging are in the equipment room. The Property Custodian is responsible for maintaining property packaging and storage supplies.
5. Always package FIREARMS, MONEY AND CONTROLLED SUBSTANCES separately from other property or evidence items.
6. Firearms Evidence - The collection of firearms is appropriate for both criminal and non-criminal cases. Due to the very nature of these items, extreme care is taken to ensure the safe handling of the weapon and preservation of its evidentiary value.
 - a. Firearms: NEVER PLACE A LOADED FIREARM INTO AN EVIDENCE STORAGE LOCKER.
Exception: Officers who cannot unload a weapon due to a mechanical defect must attach a warning note to the weapon indicating it is loaded. The Property Custodian arranges for the range master (or qualified designee) to unload the weapon prior to placing it in storage or transporting it to the laboratory. Unfired cartridges may be left in the magazine provided the magazine is removed from the gun. Weapons are unloaded ONLY after noting the position of the bullets, empty cartridges, safety, bolt, breechblock, hammer, cylinder, magazine, etc.
7. Hazardous Materials / Devices: NEVER transport or store any unexploded (or suspected unexploded) device in or about the police facility. NEVER transport or store any Class A explosive such as dynamite, desensitized nitroglycerin, large quantities of fireworks or more than one pound of black powder in or about the police facility.

8. Money: Itemize all monies by denomination and quantity on the approved money form before placing it into a property locker.
9. Jewelry: Package jewelry items individually in an envelope, box, bag, or other suitable container as appropriate.
10. Bicycles: all bicycles or portions thereof, retained by police services are placed into equipment room then transferred to the property room depending on property classification. Different levels of security for the storage of bicycles may be utilized dependent on the property classification of the bicycle (Evidence vs. Found Property).
11. Motor Vehicles: Motor vehicles requiring retention are stored at Alamo Wrecker yard located at 1119 Ave. B San Antonio, Texas. Small motorized scooters are stored in the large property storage area. Note: Vehicles may be temporarily stored at the police facility while being processed during a crime scene search. The keys for motor vehicles retained as long-term evidence (homicides, fatal traffic accidents or serious hit and runs) are logged into evidence.
12. License Plates: License plates are the property of the Department of Motor Vehicles (DMV) from the state of jurisdiction. The public is permitted to use the license plate when the annual fees have been paid. License plates maintained as evidence are logged into evidence. Officers attempt to return found license plates to their owner. If that is not feasible, the officer will be notify his immediate supervisor. The supervisor will ensure the plates are mailed to :Texas Department of Motor Vehicles 4000 Jackson Ave., Austin, TX 78731
13. Alcohol: Open containers of alcohol are not logged into the property room. The investigating officer pours out the contents at the scene. The officer then describes the condition of the container and its contents in the police report. Officers avoid booking large quantities of alcoholic beverages into evidence. In rare situations when a sample of the evidence is necessary for prosecution, retain one unopened container (bottle, can, etc.), photograph, and destroy the remainder on video.
14. Drug Paraphernalia: It has been authorized by the city prosecutor that all drug paraphernalia seized in connection with class "C" misdemeanor cases filed with the Terrell Hills Municipal Court may be photographed and destroyed immediately upon seizure. Hypodermic needles will be deposited in the appropriate container located in the fire department. Officers will

destroy all drug paraphernalia in the presence of a supervisor and in view of a video recording device.

VIII. TEMPORARY STORAGE FACILITIES

A. After property is marked for identification and packaged, officers deposit the property into one of the following temporary storage areas:

1. Metal Storage Lockers: Individual metal property lockers are located in the outside wall of the property room.
2. Refrigerator/Freezer: A refrigerator and freezer are located in the patrol room. Items that require refrigeration are placed into this temporary locker or, during normal business hours, given directly to the Property Custodian for securing in property room refrigerator.
3. Hazardous Materials Storage Drum
 - a. A drum located in the streets and sanitation yard is available for storing suspected hazardous or flammable materials **that are not considered evidence**. The officer and his immediate supervisor will consult with a member of fire services on any unknown substance prior to securing the substance. Officers and supervisors ensure contact with fire services to determine appropriate measures for storage and destruction.
 - b. **Suspected hazardous or flammable material that is considered evidence will be stored in a container provided by fire services and in the evidence room under the advisement of fire services.**
 - c. No matter whether the hazardous or flammable material is property or evidence there will be no long-term storage of this material. The Property Custodians will contact the investigating officer and the District Attorney's office if necessary, to determine the prosecutorial need of documentation of the evidence. The Property Custodians will then coordinate with the fire service to have the material destroyed or disposed of as soon as possible.

- d. Fireworks are not stored, but instead photographed. Officers destroy all confiscated fireworks by drowning and physical destruction in view of a video recording device.

IX. PROPERTY ROOM COLLECTION, INVENTORY & STORAGE

A. Property Collection

1. On a daily basis, the Property Custodian or alternate inspects all temporary storage to remove and process all property items.
2. The Property Custodian or alternate also complete the following:
 - a. Ensures all items have been properly labeled.
 - b. Ensures all items have been entered on the electronic property log.
 - c. Stores each item in the approved locations.
 - d. Arrange for transportation to the laboratory for examination as required, and
 - e. Arrange for destruction, release to owner, auction or other authorized disposition as appropriate.

B. Property Inventory

- a. The Property Custodian accounts for every item submitted into the property system. This process begins at intake.
- b. The Property Custodian or alternate compares items listed on the property log with those actually found in temporary storage. If any item is missing, the Property Custodian immediately notifies the on-duty Supervisor. The submitting officer and/or supervisor then correct the discrepancy.
- c. If the Property Custodian cannot find a missing item(s), he or she notifies the Chief of Police via memo, explaining the circumstances surrounding the missing property. The Property Custodian forwards a copy of the email to the employee's supervisor. Property connected to the case will not be processed until the missing item(s) are found or the discrepancy has been corrected.

C. Improperly Submitted Property – “Right of Refusal”

1. Officers submit every item into property in a safe and thorough manner consistent with these guidelines and policy.
 - a. The Property Custodian has the authority to refuse acceptance of any property item submitted in an unsafe, incomplete, or otherwise improper manner as defined in this manual.
 - b. Property room personnel SHALL NOT accept any money or controlled substances in which the seal, envelope, packaging or container has been opened, tampered with, or otherwise improperly submitted.

- c. The Property Custodian immediately notifies the on-duty Supervisor, who follows up with the submitting officer's supervisor.
- d. All personnel immediately correct a breach in safety

protocol. D. Property Storage

The following types of property and evidence are stored separately and according to the listed guidelines. Other miscellaneous types of property may be stored separately as the Property Custodian determines.

2. Firearms

- a. The Property Custodian segregates all firearms from other types of property retained. All firearms, REGARDLESS OF PROPERTY CLASSIFICATION, are stored in the weapons safe inside the property room. The safe remains locked at all times unless property is being stored, removed, inventoried, or inspected. NEVER store ammunition with firearms. All ammunition is stored in the ammunition bin.

3. Controlled Substances

- a. The Property Custodian segregates all drugs and narcotics from other types of property retained. All controlled substances, REGARDLESS OF PROPERTY CLASSIFICATION, are stored in the narcotics safe inside the property room. The safe remains locked at all times unless property is being stored, removed, inventoried, or inspected.
- b. Officers count, verify, test, and weigh controlled substances (or suspected controlled substances) prior to sealing them in containers or bags. The officer then weighs the bag and notes "BW" (for bag weight) and the total weight in grams on the outside of the bag. The bag weight is entered in the property description line as "Marijuana BW 13 grams" or similar.
- c. Property Custodian only opens sealed containers to facilitate the transportation and/or destruction of the item.

4. Money

- a. The Property Custodian segregates all money from other types of property retained. All money, REGARDLESS OF PROPERTY CLASSIFICATION, is stored in the safe or, if over \$10,000.00, deposited with the city secretary.

- b. The Property Custodian deposits money (over \$10,000) with the city secretary either the same or next working day. The Property Custodian seals the receipt in the original property envelope with the Money Form and returns it to the safe. The Property Custodian then makes notations in the computer system, showing the money transferred to the cashier.
- c. Exception: When the money itself is evidence, subject to forfeiture (drugs), or examination, it remains in the safe until the CID Supervisor clears it for deposit in the asset seizure fund.
- d. The Property Custodian only opens sealed containers to release the money to its rightful owner or transfer the money to a financial institution. At least one other police employee is present when opening any money envelope.
- e. The Property Custodian secures negotiable stocks, bonds, or bank securities in the safe with other money items. He assigns no value to the securities for purposes of showing a recovery value.

5. Homicides

- a. The Property Custodian stores all items of evidence associated with a homicide case together, unless that evidence requires storage elsewhere for additional security, safety, or preservation measures.
- b. All homicide cases remain segregated from other types of property retained by the Department.

6. Digital Media

- a. The Property Custodian will permanently store photographs on DVD. The officer uploads the evidence photos to the police server. The investigator may retain a separate copy as a working copy during follow-up. After finishing, the investigator forwards the copies to the District Attorney as a part of the case file, or destroys them.
- b. The Property Custodian will permanently store video on DVD. The officer uploads evidence video to the police server. The investigator may retain a separate copy as a working copy during follow-up. After finishing, the investigator forwards the copies to the District Attorney as a part of the case file, or destroys them.

7. Property Management. Nothing in this manual prevents the Property Custodian from organizing property as deemed necessary for the efficient operation of the property function.

D. Computer Entries

Computerized Property System

1. The Property Custodian ensures that all incoming property is entered into the computerized property system as soon as possible. Information entered into this system includes:
 - a. Classification of property
 - b. Type/Description of property
 - c. Quantity
 - d. Case number
 - e. Officer submitting property
 - f. Location property stored
 - g. Chain of evidence

E. Disposition of Property

1. The Property Custodian updates the status of all property retained in inventory as necessary.
2. The Property Custodian retains a complete “hard copy” file on each piece of property as a back up to this computer system. The backup files facilitate regular inspections, audits and inventories.
3. TCIC / NCIC
 - a. Upon request, dispatch personnel check property items with serial numbers in the TCIC/NCIC system.
 - b. In all cases when releasing a firearm, detectives conduct a criminal history check of the person receiving the weapon. This establishes whether restrictions exist that prevent the release of the firearm to that individual. Additionally, detectives request a stolen check through TCIC/NCIC to confirm that the status of the firearm.

X. PROPERTY & EVIDENCE RELEASE GUIDELINES

A. Persons Authorized to Release Property

1. The following persons may authorize the release of property under the provisions of this manual:
 - a. The investigating officer, assigned investigator, or the investigator's supervisor,
 - b. The Chief of Police,
 - c. A magistrate,
 - d. The District Attorney's Office, and
 - e. In cases of found property and property impounded for safekeeping, the impounding officer.

B. Release Authority

1. A court order is required for the release or disposal of property seized pursuant to a search warrant.
2. Court action involving all suspects must be final and the District Attorney's Office must approve the release.
3. All evidence or property collected in homicide cases is stored until the death of the defendant(s) or 99 years from the date of incident.
4. Upon the CID Supervisor's approval, the Property Custodian disposes of property on no-lead cases after the statute of limitations is past. The Statute of Limitations for felonies is as follows:
 - a. No Limit Murder, Manslaughter, FSRA with Death
 - b. 10 Years Theft of Estate by Administrator, Theft by Public Servant, Forgery, Indecency with a Child, Injury to a Child, Sexual Assault
 - c. 7 Years Misapplication of Fiduciary Property
 - d. 5 Years Burglary, Theft, Robbery, Arson, Kidnapping, Abandoning a Child
 - e. 3 Years All other felonies.
5. The CID Supervisor signs approval of evidence destruction on no-lead misdemeanor cases after two years from the commission of the offense.
6. The District Attorney approves of property disposed or released purely in the interest of justice when the statute of limitations has not expired. This applies to any felony or misdemeanor cases.

7. The Property Custodian retains any property requested for civil litigation until approved by the Chief of Police. The Chief of Police contacts the City Attorney prior to disposal of property cases where the City is party to civil litigation.

C. Disposition Instructions (Non-evidence)

1. Found Property

- a. The investigating officer attempts to determine and contact the owner(s) of found property. Officers call that person instructing them to contact the Property Custodian to schedule an appointment and claim their property. If Officers are unable to make contact with the owner, then the CID supervisor will proceed with the disposition of the property Pursuant to the TX Code of Criminal Procedure Art. 18.17 Disposition of Abandoned or Unclaimed Property.
- b. The owner has 90 days to establish ownership and claim the property.
- c. Exception: If sufficient evidence exists to file an asset forfeiture case, funds likely coming from illegal activity are retained. In addition, if the owner claiming a firearm is not legally entitled to a weapon under the provisions of the law, or prohibited from possessing a weapon, the CID Supervisor determines the type of release or destruction of the firearm.
- d. Pursuant to TX Code of Criminal Procedure Art. 18.17 Disposition of Abandoned or Unclaimed Property: All unclaimed or abandoned personal property of every kind, other than contraband subject to forfeiture under Chapter 59 of this code and whiskey, wine and beer, seized by any peace officer in the State of Texas which is not held as evidence to be used in any pending case and has not been ordered destroyed or returned to the person entitled to possession of the same by a magistrate, which shall remain unclaimed for a period of 30 days shall be delivered for disposition to a person designated by the municipality or the purchasing agent of the county in which the property was seized.
- e. Pursuant to Code of Criminal Procedure Art. 18.17, any found property having a value of \$500 or more and the owner is unknown, will be advertised as found in a newspaper of general circulation prior to forfeiture to the city or destruction.
- f. The Property Custodian processes all unclaimed property for auction, disposal, or transfer for Departmental use.

2. Safekeeping

- a. The Property Custodian returns property held for safekeeping upon the request of the legal owner or by legal mandate. The Property Custodian disposes of unclaimed property after 90 days.
- b. Prior to release of firearms, the Property Custodian requests a criminal history check on the owner or person who intends to pick up the weapon.
- c. The CID Supervisor determines the disposition on firearms if the owner is not legally entitled to the weapon or is prohibited from possessing a weapon.
- d. The Property Custodian requests a TCIC/NCIC stolen check on the firearm prior to release.
 - i. If stolen, an attempt is made to return the firearm to the rightful owner.
 - ii. If the owner cannot be found, the weapon is destroyed per court order.

- e. When releasing a weapon to the owner, the owner presents a photo ID and provides proof of ownership, if requested. The owner must sign the property release form.
- f. All other types of property held for safekeeping are returned to the owner as soon as possible.

D. Non-Essential Property/Evidence:

1. With the concurrence of the District Attorney, property that is not essential to a prosecution or future prosecution is released to the owner as follows:
 - a. Property that has no market or investigative value as determined by the District Attorney may be destroyed upon completion of the investigation with the District Attorney's permission, e.g., glass fragments, mutilated bullet not suitable for comparison purposes.
 - b. Property held as evidence but not introduced during the trial is released to the owner upon receipt of a court disposition, provided the prescribed time for appeal has elapsed. In misdemeanor and felony cases, 90 days is allowed for an appeal.
 - c. In all cases, the person who receives the property must present a photo ID and sign the property receipt.

E. Court Releases

Officers needing evidence or property for court presentation complete a Property Release Form and have the form signed by a supervisor. The form indicates "temporary release" for court. The officer gives the form to the Property Custodian, who then completes the chain of custody form and releases the item to the officer. In all cases, the person receiving the property must present a photo ID and sign the property receipt.

XI. INTERIM RELEASE OF PROPERTY GUIDELINES

- A. To facilitate the need for officers to remove evidence temporarily from the property room for further investigation, examination, court, etc, the following procedures are established:
 1. The officer completes a property release form, has it signed by a supervisor who ensures appropriate need, and forwards it to the Property Custodian (at least 24 hours - weekends and holidays excluded - in advance when possible).
 2. If exigent circumstances exist, property may be released to the officer with less prior notification.
 3. Officers checking out evidence for court sign and date the chain of custody form for all evidence released.
 4. Officers immediately return all evidence to the property room, unless that evidence is held by the court.

5. Officers repackaging or reseal evidence as necessary to ensure the integrity of the item. Whenever evidence is placed in a new evidence bag, the old evidence bag is placed in the new bag with the evidence with the chain of custody on the old bag visible.

- B. The Property Custodian tracks evidence checked out for court and its return. After 72 hours, notification is given to the officer who has not returned the property.

XII. DISPOSAL GUIDELINES (TBP: 12.05)

- A. Disposal of items held in the property room is made in a manner authorized by statute and as provided in policy.
- B. The Property Custodian disposes of no property item until receiving a release authorization from the assigned detective, CID Supervisor, a court order, or written instruction from the District Attorney's Office.
- C. Upon receipt of a Court Order, the Property Custodian disposes of property in the manner indicated in that order.
- D. Disposition of Property to be Destroyed
 1. Property of little or no auction value is disposed of in an appropriate trash receptacle except as otherwise directed below:
 - a. Papers of a sensitive nature will be shredded.
 - b. The contents of open alcoholic beverage containers are poured down the drain before disposing of the container in the trash.
 - c. Property of value (except firearms, money, ammunition, controlled substances, and hazardous materials) is sold at auction, destroyed, or designated for department use.
 - d. All firearms are destroyed or forfeited for department use pursuant to a court order.
 - e. Ammunition is disposed of through pre-approved, designated agencies or designated for department use.
 - f. Controlled substances are burned or otherwise disposed as a hazardous waste material.
 - g. Hazardous materials are disposed through an authorized, pre-approved hazardous waste disposal firm.
 - h. Knives, clubs, BB or pellet guns, or other dangerous weapons are destroyed in the same manner as firearms.
 - i. All unclaimed money is deposited in the City of Terrell Hills General Fund, except rare coins or paper money that will be sold at public auction.

2. Disposition of Firearms

All firearms will be destroyed unless released to their rightful owner with two exceptions. Firearms that are scheduled for disposal that could be used by the department may be converted to departmental use upon written order of the Municipal Judge. These weapons will become the property of the department and not individual officers and will be tracked and accounted for on inventories and audits. Destruction process will proceed as follows:

- a. The Property Custodian ensures the recording of the make; model, serial number, and involved case report number in the property management computer system.
- b. The Property Custodian destroys firearms authorized for disposal as necessary to conserve space and security of the weapon(s).
- c. All firearms are inventoried prior to destruction.
- d. The Property Custodian updates the new status on all related documents and computer files.
- e. The Property Custodian, accompanied by another sworn police officer, transports the firearms to a destruction facility. The Property Custodian and officer witness the destruction of each weapon and sign a certificate certifying the destruction.
- f. The Property Custodian retains all written documentation of destruction transactions.

3. Destruction of Ammunition

a. Department Use

- i. Surplus small arms and rifle ammunition may be retained by the department for official use.
- ii. Ammunition retained for department use is transferred to the range master, who signs receipt for the items and maintains records of the inventory and use of such ammunition.
- iii. No ammunition of this nature is used for duty purposes.

b. Disposal

- i. The range master has final discretion on the means of ammunition destruction. That officer decides if the ammunition lends itself well to training or other range use.
- ii. The department employee receiving the ammunition signs the property report. The property report is then forwarded to the Property Custodian.

4. Destruction of Narcotics/Controlled Substances

- a. The Property Custodian destroys controlled substance after receiving authorization for such disposal.
- b. If a controlled substance is evidence in a criminal case filed with the District Attorney, destruction may not take place until the case is disposed and authority for disposal is given by the prosecutor assigned to the court. This authorization may be verbal and noted on the Request for Disposal form. Other controlled substances may be disposed of summarily by the department.
- c. Items to be destroyed are pulled from their storage locations and placed in boxes labeled "Narcotics Destruction." Each box is sealed, labeled and numbered.
- d. The Property Custodian prepares a list of applicable case numbers for each box and attaches a copy of the related property reports.
- e. The Property Custodian sets an appointment for disposal (crush or burn) and obtains the necessary permits in advance.
- f. Prior to destruction, the CID Supervisor conducts a random test of the controlled substances scheduled for destruction in the presence of the Property Custodian and observer to ensure its authenticity.
- g. At least one non-police witness examines each item set for destruction. In the event a package shows indications of tampering (other than due to lab analysis), the Property Custodian pulls the package out of the destruction process and presents it to the CID Supervisor. The Supervisor initiates an investigation, which may include reanalysis of the drug by the lab.
- h. An officer accompanies the Property Custodian and a person not connected with the department while transporting the controlled substances to the disposal facility. Each attendee witnesses the destruction of the controlled substances and signs a statement to that effect. The contents of the statement comply with the Texas Administrative Code, Title 37, Rule 13.163.

5. Disposal of Hazardous Materials

The disposal of hazardous materials falls under a number of State and Federal statutes. In practice, most disposals are regulated by law. Whenever questions arise regarding the proper procedures for waste disposal, the Property Custodian consults with the Terrell Hills Fire Division's Hazardous Materials Unit for direction and assistance with disposal efforts.

XIII. AUCTION OF UNCLAIMED PROPERTY

A. Disposition of Unclaimed Property

1. Found property of value not claimed within 90 days is subject to auction. Stolen or embezzled property is subject to auction if unclaimed by the owner after notification of a 90-day limit to reclaim the item.
2. Unclaimed property, not governed by statute, after being held 90 days from the date the owner was notified to claim the property, is subject to auction, destruction, or diversion to department use.

B. Auction of Unclaimed Property

1. Unclaimed property may be auctioned by the City or may be auctioned by a private company contracted by the City.
2. To avoid conflict of interest, or any appearance of conflict of interest, no employee of this department purchases any item at such auction, either personally or through a third party.

XIV. INVENTORY/INSPECTION OF PROPERTY ROOM (TBP: 12.07 & 12.08)

- A. For purposes of this section, an inventory/inspection is defined as a physical inspection and verification of the presence of a property item maintained by the division against the agency's records and review of procedures, records, or facilities to ensure adherence to policy and established protocol as it relates to that property.
- B. It is the policy of police services to receive and safely store evidence, found property and property for safekeeping; and to restore the property to the rightful owner, or otherwise lawfully dispose of the property in a timely fashion. The division uses the inspection/inventory process as a means to ensure the integrity of this policy.
- C. The Chief of Police will assign a person, not connected in any way with the operation of the Property Room, to conduct a complete Inventory/Inspection of the Property Room on a biannual basis.
- D. The Chief of Police may conduct a frequent, unscheduled, or unannounced inventory/inspection of the property room and property function as deemed appropriate. Documentation of these inspections reflects the date and results of that inventory/inspection.
- E. All property storage areas, rooms, and sites shall be included in the Inventory/Inspection Process.
- F. The Inventory/Inspection shall account for every item in the property system as well as ensure that the policies, procedures and practices relating to the handling of property from the initial intake, the documentation and processing, and then the storage/safekeeping are being followed.

- G. All packages, containers, or property tags shall be inventoried and reconciled with the computer or file system.
- H. The person conducting the Inventory/Inspection of the Property Room shall be familiar with this policy and determine if these policies are being followed.
- I. The Inventory/Inspection shall include inspection of the security of the property room, the proper use of the sign in log, the proper and up to date processing of property intake and disposal, the cleanliness and orderliness of the Property Room, and any unusual circumstances.
- J. The Inventory/Inspection shall also require the confirmation that ALL weapons, drugs, and monies are properly documented, packaged, processed, and accounted as per department policy and protocol.
- K. A copy of the Inventory Report is completed after each Inventory/Inspection and forwarded to the Chief of Police. This report includes any discrepancies and lists any missing items. The Chief of Police makes a determination if an investigation into any loss is warranted.
- L. Whenever any firearm, money or controlled substances are discovered missing, the CID Supervisor shall be notified immediately, and an investigation initiated.

	TERRELL HILLS POLICE DEPARTMENT	
	Policy 1202 Notifying On-Call CID Detective	
	Effective: 02/01/2023	Replaces: 10/01/2020
	Approved: Gail Baham Chief of Police	
	Reference:	

I. POLICY

Accurate communication is essential in the operation of a Department. It is essential that the criminal investigations division be accessible after hours.

II. PURPOSE.

To establish guidelines for the proper notification of the on-call CID Investigator.

III. PROCEDURES FOR NON-EMERGENCY

A. Report Non-Emergency up through the chain of command. Shift Supervisor will notify Lieutenant who will dispatch the On Call CID Investigator.

B. If no response from Shift Supervisor, contact the Lieutenant directly who will dispatch the On Call CID Investigator.

IV. PROCEDURES FOR EMERGENCY

A. Report Emergency up through the Chain of Command. Shift Supervisor will notify Lieutenant who will dispatch the On Call CID Investigator.

B. If no response from Shift Supervisor, contact the Lieutenant directly who will dispatch the On Call CID Investigator.