



*Elia Garcia*  
Mayor

*Rene Rodriguez*  
At Large

*Cesar Nevarez*  
District 1/Mayor ProTem

*Ralph Duran*  
District 2

*Victor Perez*  
District 3

*Yvonne Colon-Villalobos*  
District 4

*Adriana Rodarte*  
City Manager

**NOTICE OF SPECIAL COUNCIL MEETING  
OF THE CITY COUNCIL  
OF THE  
CITY OF SOCORRO**

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THE FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATION FOR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY CLERK'S OFFICE AT (915) 858-2915 FOR FURTHER INFORMATION.

**SUPPLEMENTAL NOTICE OF MEETING BY VIRTUAL SERVICES**

IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020, THE CITY COUNCIL OF THE CITY OF SOCORRO WILL CONDUCT THE MEETING SCHEDULED FOR THURSDAY JULY 23, 2020, AT 6:00 PM BROADCASTED FROM CITY CHAMBERS AT CITY HALL CHAMBERS, 860 RIO VISTA RD., SOCORRO, TEXAS VIA TELEPHONE CONFERENCE AND LIVE STREAMED IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING THE NUMBER OF PEOPLE PHYSICALLY PRESENT AT OUR LOCATION (ALSO CALLED "SOCIAL DISTANCING") TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19). THERE WILL BE NO PHYSICAL PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE.

THIS WRITTEN NOTICE, THE MEETING AGENDA, AND THE AGENDA PACKET, ARE POSTED ONLINE AT [HTTP://CL.SOCORRO.TX.US/CITY-CLERK-PUBLIC-NOTICE](http://cl.socorro.tx.us/city-clerk-public-notice) THE PUBLIC CAN ACCESS THE MEETING BY CALLING TOLL FREE-NUMBER 844-854-2222 ACCESS CODE 323610.

THE PUBLIC MUST CALL IN 844-854-2222 ACCESS CODE 323610 BY 5:30 PM MOUNTAIN STANDARD TIME (MST) ON JULY 23, 2020 TO SIGN UP FOR PUBLIC COMMENT AND THE AGENDA ITEM THEY WISH TO COMMENT ON. THE PUBLIC THAT SIGNED UP TO SPEAK WILL BE CALLED UPON BY THE PRESIDING OFFICER DURING THE MEETING.

.....

1. **Call to order**
2. **Pledge of Allegiance and a Moment of Silence**
3. **Establishment of Quorum**

**PUBLIC COMMENT**

4. **Public Comment** (The maximum time for public comment will be 30 minutes and three minutes will be allotted for each speaker. Government Code 551.042 allows for responses by city council to be a statement of specific factual information given in response to the inquiry; or a recitation of existing policy in response to the inquiry; or a decision to add the public comment to a future agenda.)

**NOTICE TO THE PUBLIC**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA, INCLUDING THOSE ON THE ADDENDUM TO THE AGENDA, WILL BE CONSIDERED BY THE CITY COUNCIL TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION ON THESE ITEMS UNLESS CITY COUNCIL MEMBERS REMOVE SPECIFIC ITEMS FROM THE CONSENT AGENDA TO THE REGULAR AGENDA FOR DISCUSSION PRIOR TO THE TIME THE CITY COUNCIL MEMBERS VOTE ON THE MOTION TO ADOPT THE CONSENT AGENDA.**

**ITEMS REMOVED FROM THE CONSENT AGENDA TO THE REGULAR AGENDA WILL BE CONSIDERED BY THE CITY COUNCIL AFTER ACTING ON THE CONSENT AGENDA.**

**ANY MATTERS LISTED ON THE CONSENT AGENDA AND THE REGULAR AGENDA MAY BE DISCUSSED IN EXECUTIVE SESSION AT THE OPTION OF THE CITY OF SOCORRO CITY COUNCIL FOLLOWING VERBAL ANNOUNCEMENT, IF AN APPROPRIATE EXCEPTION TO THE OPEN MEETING REQUIREMENT OF THE TEXAS OPEN MEETINGS ACT IS APPLICABLE.**

**CONSENT AGENDA**

5. *Excuse* absent council members.

*Olivia Navarro*

**PUBLIC HEARINGS / ORDINANCES**

**PUBLIC COMMENTS ARE NOT TAKEN DURING THE INTRODUCTION OF ORDINANCES. PUBLIC COMMENTS WILL BE ALLOWED AT THE SCHEDULED PUBLIC HEARING-ORDINANCE 320**

- 6. *Introduction, First Reading and Calling for a Public Hearing*** of an ordinance of the City of Socorro, calling for an election to be held in the City of Socorro, Texas, on Tuesday, the 3<sup>rd</sup> day of November, 2020, for the purpose of an election for approval or rejection of 28 propositions regarding amendments to the City Charter of the City of Socorro, Texas; election for Mayor, City Representative At-Large, and District 4 City Representative; designating locations of polling places; ordering Notice of the Election to be given as prescribed by law; providing for the publication and posting of said notice; providing for early voting dates and times; making provisions for the conduct of the elections and resolving other matters incident to holding of such election; providing a statement of fiscal impact; providing compliance with the Texas Open Meetings Act; providing for a repealing clause; providing a severability clause; and providing for an effective date.

*Adriana Rodarte*

**REGULAR AGENDA**

- 7. *Discussion and action*** to approve and execute an Advance Funding Agreement (AFA) with the State of Texas acting through the Texas Department of Transportation (TxDOT) for the Nuevo Hueco Tanks Road Extension Project and provide a resolution for this project.

*Alejandra Valadez*

- 8. *Discussion and action*** on approving the Socorro Police Department Procedure's Manual.

*Adriana Rodarte*

- 9. *Discussion and action*** on Cielo Del Rio Unit 2 Subdivision Park status with the Villas de Socorro Subdivision.

*Adriana Rodarte*

The City Council of the City of Socorro may retire into EXECUTIVE SESSION pursuant to Section 3.08 of the City of Socorro Charter and the Texas Government Code, Sections 551, Subchapter D to discuss any of the following: (The items listed below are matters of the sort routinely discuss in Executive Session, but the City Council of the City of Socorro may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATIONS WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFT

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

***Discussion on the following:***

- 10. *Discussion and action*** on advice received from City Attorney in closed session, and action to approve real estate transaction; authorize filing or settlement of legal action; authorize employment of expert witnesses and consultants, and employment of special counsel with respect to pending legal matters.

*Adriana Rodarte*

**11. Discussion and action** on qualifications of individuals for employment and for appointment to Boards & Commissions, job performance of employees, real estate acquisition and receive legal advice from City Attorney regarding legal issues affecting these matters.

*Adriana Rodarte*

**12. Discussion and action** regarding pending litigation and receive status report regarding pending litigation.

*Adriana Rodarte*

**13. Adjourn**

DATED THIS 20<sup>th</sup> DAY OF JULY, 2020

By: 

Mayela Granados, Executive Assistant for Olivia Navarro, City Clerk

I, the undersigned authority, hereby certify that the above notice of the meeting of the City Council of Socorro, Texas is a correct copy of the notice and that I posted this notice at least Seventy-two (72) hours preceding the scheduled meeting at the City Administration Building, 124 S. Horizon Blvd., in Socorro, Texas.

DATED THIS 20<sup>th</sup> DAY OF JULY, 2020

By: 

Mayela Granados, Executive Assistant for Olivia Navarro, City Clerk

Agenda posted: 07/20/2020 @ 4:00 pm.

Removed: \_\_\_\_\_ Time: \_\_\_\_\_ by: \_\_\_\_\_

## ARTICLE I

## FORM OF GOVERNMENT AND BOUNDARIES

## Section 1.01 INCORPORATION

The inhabitants of the City of Socorro, El Paso County, Texas, residing within its corporate limits as now established or as hereafter established, shall continue to be a Municipal and Corporate in perpetuity under the name "City of Socorro," hereinafter referred to as the "City," and having such powers, privileges, rights, duties and immunities as are herein provided.

## Section 1.02 FORM OF GOVERNMENT

The municipal government provided by this ~~Charter~~ Charter shall be known as the "Council-Manager" form of Government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, the statutes of this State and by this Charter, all powers of the City shall be vested in an ~~elective~~ elective Council, hereinafter referred to as the "City Council," which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who in turn shall be held responsible to the City Council for the operation of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, the State Constitution or the Statutes of the State of Texas.

## Section 1.03 BOUNDARIES AND LEGAL DESCRIPTION

The boundaries of the City, at the time this Charter is adopted, are those, which have previously been legally established by the original Socorro Land Grant of 1871 less the International Boundary Commission Ratification and by the Comprehensive Planning Study of 1988. The boundaries may be changed from time to time either through annexation or detachment of territories. ~~Exhibit A is the~~ The official map of the current boundaries of the City of Socorro, ~~which is on file with the City~~ Secretary/Clerk.

ARTICLE II  
POWERS OF THE CITY

Section 2.01 GENERAL POWERS

- A. The City shall have all powers, except as limited by this Charter, granted to municipal corporations and to cities under a home rule Charter, by the Constitution and ~~General and Special~~ Laws of the State of Texas, together with all implied powers necessary to carry into execution all the powers granted.
- B. The powers possessed by the City include, but are not limited:
1. ~~To~~ acquire property by purchase, gift, devise, lease ~~or~~ condemnation, or otherwise;
  2. ~~To~~ sell, lease, mortgage, encumber and control such property, any part thereof or any interest therein, as its interest may require;
  3. ~~To~~ sue and be sued;
  4. ~~To~~ regulate, develop, and improve streets and public property;
  5. ~~To~~ provide for a public water system and to fix, ~~by ordinance~~, the charges and compensation to be charged by the City for public water service;
  6. ~~To~~ provide for a sanitary-sewer system and; to establish, ~~by ordinance~~, the compensation to be charged and rules for connection to and use of the sanitary sewer system;
  7. ~~To~~ provide for the handling and disposition of all garbage, trash, rubbish, and hazardous waste, and to fix, ~~by ordinance~~, the compensation to be charged for these services;
  8. ~~To~~ provide, ~~by ordinance~~, land use and development regulations, to include, but not limited to: zoning and subdivision regulations, alleviation or prevention of ~~slums~~ colonias and other conditions of deterioration, and achievement of the most appropriate use of land resources.
  9. ~~The City shall have the a~~Authority, either singularly or jointly, with the county, to acquire, establish and own, either by purchase, donation, bequest or otherwise all property that may be useful or necessary for the purpose of establishing and maintaining parks and recreation facilities as authorized by law. Such facilities may be operated by a board created by ~~Ordinance or by the~~ City Council.
  10. ~~The City Council may~~To create a housing authority under in accordance with the laws of the State of Texas and the United States. ~~The City Council shall have the power to establish, by ordinance, regulations providing minimum standards for all buildings which are used, or intended for use, as places of human habitation; which standards shall be based upon the~~

~~proposition of making it reasonably certain that all such buildings or dwelling places shall be constructed, or reconstructed, or repaired, and maintained so as to protect the safety, health and general welfare of the community, its citizens and the persons who reside in such buildings or dwelling places. The City shall have the power to undertake and engage in programs and projects for urban renewal or redevelopment as authorized by laws of the State of Texas and the Federal Government,~~

11. To establish regulations providing minimum standards for all buildings that are used or intended for use as places of human habitation, which standards shall be designed to make it reasonably certain that all such buildings or dwelling places shall be constructed, reconstructed, repaired and maintained so as to protect the safety, health and general welfare of the community, its citizens and the persons who reside in such buildings or dwelling places.

~~40.12. To undertake and engage in programs and projects for urban renewal or redevelopment as authorized by the laws of the State of Texas and the United States~~

- C. The enumeration of particular powers by this Charter shall not be adjudged to be exclusive, and, in addition to any powers enumerated or implied herein, it is intended that the City shall have and may exercise all the powers which would be competent for this Charter to enumerate specifically.

#### Section 2.02 EMINENT DOMAIN

The City shall have the full power to exercise the right of eminent domain ~~except for historical sites certified by ordinance or any State or Federal authority,~~ when necessary to the conduct of public affairs, consistent with the authority ~~and scope~~ conferred by this Charter or by the Constitution and laws of the State of Texas. Such authority shall include the obligation to pay ~~adequate just~~ compensation and the right to take the fee in land so condemned and to institute condemnation proceedings for municipal or public purposes.

#### Section 2.03 ANNEXATION FOR ALL PURPOSES

The City Council shall have the power, ~~by ordinance,~~ to fix the boundary limits of the City of Socorro; and to provide for the alteration, reduction, and ~~the~~ extension of said boundary limits; and the annexation of additional territory lying adjacent to the City, with or without the consent of the territory and ~~its~~ inhabitants ~~in accordance with Texas law, annexed. Before the City may institute annexation or disannexation proceedings, the City Council shall provide an opportunity for all interested persons to be heard at a public hearing. Prior notice of such hearings shall be published in accordance with Chapter 43 of the Texas Local Government~~

~~Code in a newspaper having general circulation in the City and in the territory proposed to be annexed. Upon the final passage of any such ordinance, the boundary limits of the City shall thereafter be fixed in such ordinance; and when any additional territory has been so annexed, same shall be a part of the City of Socorro, and the property situated therein shall bear its pro-rata part of the taxes levied by the City, and the inhabitants thereof shall be entitled to all rights and privileges of all the citizens, and shall be bound by the acts, ordinances, resolutions, and regulations of the City~~

#### Section 2.04 DETERMINATION OF EXTRA TERRITORIAL JURISDICTION

The extra territorial Jurisdiction of the City of Socorro shall be ~~that set forth in 42.021 of determined in accordance with the Texas Local Government Code, as amended from time to time~~law.

#### Section 2.05 ANNEXATION PROCEDURES

The ~~Annexation~~ procedures of the City of Socorro ~~are set out in Chapter 43 of the Local Government Code~~shall comply with Texas law.

#### Section 2.06 DETACHMENT OF TERRITORIES

Territory lying within the ~~corporate~~ boundary limits of the City, and ~~which that~~ abuts the outer ~~corporate~~ boundary limits, may, after notice and ~~hearings other procedures~~ as ~~then~~ required by State Law ~~, by ordinance,~~ be de-annexed and detached from the City. Any such territory so detached shall be liable for its pro-rata share of any taxes and fees incurred while it was part of the City, except as provided by State Law, ~~including Local Government Code Section 43.148.~~



**ARTICLE III**

**THE CITY COUNCIL**

Section 3.01 NUMBER, SELECTION AND TERMS OF OFFICE

- A. The legislative and governing body of the City shall consist of a Mayor and five (5) ~~Council members~~City Representatives, and shall be known as the "City Council of the City of Socorro."
- B. The Mayor and the ~~Council~~ ~~members~~City Representatives shall be elected to serve for ~~three (3)~~ four (4) year terms and ~~not for~~ not more than two (2) consecutive terms. Council members other than the Mayor shall be elected from single member districts numbered 1, 2, 3, and 4, and one position shall be At Large. The Districts will be established, determined and district lines shall be redrawn after each federal census, if required, to comply with state and federal voting laws and regulations. Each candidate for City Council in a particular District shall be a resident of that District.
- C. The ~~Council~~ ~~positions~~ ~~members~~ shall serve staggered terms ~~as determined initially by lot. Three (3) Council positions will be elected to an initial three (3) year term and two (2) Council positions and Mayoral position will be elected for an initial two (2) year term commencing in the 2010 City Council general election. Thereafter each position will be elected for three (3) year terms. The positions of Mayor, At-Large Representative, and District 4 City Representative were filled by election in November 2016, and shall continue to be filled by election in November of every fourth year thereafter. The positions of District 1 City Representative, District 2 City Representative, and District 3 City Representative were filled by election in November 2017, and shall continue to be filled by election in November of every fourth year thereafter. All terms of office for members of the Socorro City Council shall be four (4) years, and shall run from November through November of the fourth year after the member is elected.~~

Section 3.02 QUALIFICATIONS

All qualifications must be met at the time of candidacy filing in addition to other qualifications prescribed by the laws of the State of Texas.

The candidate shall:

- A. Be a citizen of the United States of America and qualified voter of the City of Socorro;
- ~~B.~~ Have resided for at least 12 months preceding the election within the corporate limits of the City, or for 12 months within ~~the a~~ territory ~~which that~~ has been annexed by the City;
- ~~B.~~ ~~—~~
- ~~C.~~ Not be in arrears in the payments of any taxes or other liability due to the City in the last two years;
- ~~D.~~ ~~A member of the City Council and the Mayor, ceasing to possess any of the qualifications specified in this section or convicted of a felony or misdemeanor (crimes of moral turpitude) while in office, or is absent from three (3) consecutive regular meetings in one year without being excused by the City Council, his or her office shall be declared vacant by City Council.~~
- ~~E.~~ ~~A majority vote of the elected members of the City Council in regular session is required to declare the office vacated.~~
- ~~D.~~ ~~F.~~ Show proof that his<sup>d</sup> or her homestead and residency are one and the same; and that such property lies within the corporate boundaries of the City of Socorro.
- ~~F.E.~~ Any member of the City Council who ceases to possess any of the qualifications specified in this section or is convicted of a felony of any kind or misdemeanor crime of moral turpitude while in office, or is absent from three (3) consecutive regular meetings in one year without being excused by the City Council, shall forfeit their office and the City Council shall declare that position vacant. A majority vote of elected members of the City Council is required to declare the office vacant.

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Section 3.03 MAYOR AND MAYOR PRO TEM.

- A. The Mayor shall be the official head of the City government. The Mayor shall be the chair and shall preside at all meetings of the City Council. The Mayor shall, except as provided otherwise by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts and bonds. The Mayor shall appoint special committees as advisable and as instructed by the City Council. The Mayor shall perform such other duties consistent with this Charter or as may be imposed by the City Council.

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- B. The City Council shall elect from among its members an acting Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor.
- C. The Mayor, or the Mayor Pro Tem while presiding over the City Council in the absence of the Mayor, shall vote only in the case of a tie except to pass an ordinance when the voting membership of the Council is reduced below five (5) owing to one or more absences and/or vacancies and/or abstentions. The Mayor may also vote when this Charter or any law requires more than a simple majority vote of the City Council.
- D. The Mayor Pro Tem shall serve in his or her capacity as Mayor Pro Tem for not longer than one (1) year from the date of appointment by the City Council or as long as is otherwise prescribed by Texas Law ~~as prescribed by Texas Local Government Code §22.037.~~

Section 3.04 GENERAL POWERS AND DUTIES

The City Council. The City Council shall be the legislative and governing body of the City and shall have control of the City finances, property, functions, services, affairs and programs, subject only to the terms and provisions of this Charter. The City Council shall have the power to ordain, alter, amend or repeal and enforce ordinances, resolutions, rules, orders, and regulations, for any public purpose, that are not in conflict with this Charter, or Federal or State law. The City Council shall have the power and authority to provide for any public purpose, including but not limited to recreation, the regulation and control of public property, municipal finances, the preservation of the public peace and good order, the security and protection of the public health, safety and welfare, the promotion of trade, commerce and economic development, the beautification and quality of life within the City, and any other governmental or proprietary service or program. The City, by and through its City Council, shall have full and complete power of local self government to the fullest extent not in conflict with this Charter and State Law, including all such authorities and privileges that are now or hereafter provided to cities by State Law and such power and authority, both express and implied, as necessary to accomplish and enforce any such duty, program or public purpose.

The City Council shall have all the powers necessary and incident to the proper discharge of the duties imposed upon it, and is hereby vested with all powers necessary to carry out the terms and provisions of this Charter; except where such powers

are, by this Charter, specifically reserved or conferred on some other officer.

The following powers and duties of the City Council are not exclusive but are enumerated for greater clarity:

- A. Appoint, supervise and remove the City Manager by four-fifths (4/5) vote of the entire City Council;
- B. Ensure enforcement of the provisions of this Charter and the ordinances of the City;
- C. Adopt and amend the budget of the City;
- D. Call bond elections, and authorize the issuance and sale of bonds, certificates of obligation, certificates of participation, warrants, notes and other evidences of indebtedness or obligation of the City pursuant to this Charter and State Law;
- E. Provide for and control of all City finances;
- F. Provide for boards and commissions as deemed necessary by the City Council, and as required by this Charter, and appoint and remove all such boards and commissions upon the recommendation of the Mayor;
- G. Adopt, modify and carry out the plans proposed by the planning commission and other boards and commissions;
- H. Adopt, modify and cause the enforcement of building codes, fire codes, and health codes, public safety codes, and all other codes and regulations deemed reasonably necessary;
- I. Provide for all public utilities and serve as the primary regulatory agency for companies;
- J. Pass ordinances and resolutions as necessary in its judgment for any public purpose not inconsistent with this Charter;
- K. Exercise police powers for the safety of all citizens, and to protect their health, life and property, prevent and summarily abate and remove all nuisances; to preserve and to enforce good government, order and security of the City;
- L. Control and regulate the use and occupancy of the public streets, rights-of-way and all property of the City;
- M. Make investigations into municipal affairs and subpoena persons, documents and records, and compel the attendance of witnesses and production of records for such purpose;
- N. Require fidelity bonds to be provided, at City expense, for any officer or employee position;
- ~~O. For, good cause, order a recall election to be held for, or with respect to any, member of the City Council;~~
- PQ. Appoint and remove the City Attorney, the Municipal Judge and the associate Municipal Judges;

- P. Confirm or reject the appointment of the officers required by this Charter to be confirmed by the City Council;
- P-Q. To govern the affairs of the City in conformance with this Charter and the State and Federal Constitutions and Laws, and to determine by majority vote, the best and most appropriate method and manner of efficiently performing the functions and providing the services of the City, consistent with the Council-Manager form of government and, except as provided in this Charter, with respect to certain departments that must be maintained in effect, the City Council may, after hearing the City Manager; create, change, merge, or abolish offices, departments or agencies of the City, and may contract for services by interlocal agreement or otherwise as it deems advisable, to improve the services or the efficiency of government; and
- Q-R. Call and hold special elections useful to the accomplishment of the purpose of the City, to the fullest extent not inconsistent with State Law.

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#### Section 3.05 COMPENSATION

The Mayor shall receive ~~fifteen~~twenty thousand dollars ~~(\$20,000.00)~~ per year, and each of the City Council members shall receive ~~ten~~fifteen thousand dollars ~~(\$15,000.00)~~ per year as compensation for their services, with an inclusion of inflation cost to be revised every four years, and any increase of salary shall be through a Charter Amendment only; and they shall be entitled to all necessary expenses incurred in the performance of their official duties or officially representing the City, when such expenses are authorized and approved by a majority vote of the members of the City Council at a meeting of the City Council. The Mayor and City Council members may be eligible to participate in the benefit programs that include health, dental, vision care, and life insurance, subject to such participation being approved by City Council.

#### Section 3.06 VACANCIES

A vacancy occurring in the City Council shall be filled by a person having the qualifications required of a person filing for the office vacated and selected in the manner prescribed below:

The office of Mayor or Council\_member shall become vacant upon the death, resignation, or removal from office of the incumbent. Any vacancy or vacancies, whether in the office of Mayor or Council\_member, shall be filled by special election called for such purposes. The date for special elections to fill

vacancies shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law; provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the City Council shall, without regard for the specified uniform election dates, order such election to be held on Saturday within 120 days from the date of the vacancy.

All vacancies shall be filled by election-appointment for the remainder-remainder of the unexpired term of the office until such time as an election occurs.

### Section 3.07 MEETINGS

- A. The City Council shall hold at least two regular meetings, the first and third Thursday of each month, except December, when at least one regular meeting shall be held, at a time to be fixed by it for such regular meetings, and may hold as many additional meetings as may be necessary for the transaction of the business of the City and its citizens. The City Council ~~has the discretion to may~~ change the regular meeting dates at their discretion.
- B. The Mayor shall, with three voting City Council members, constitute a quorum. In the absence of the Mayor, any of the four City Council members shall constitute a quorum. If, because of one (1) or more vacancies, the City Council comprises less than five (5) members, 3 voting members shall constitute a quorum. At any meeting at which both the Mayor and Mayor Pro Tem are absent, the remaining three voting Council members may appoint any Council member to preside as acting Mayor.
- C. All meetings of the City Council shall be open to the public except as provided by law. ~~(Texas Open Meeting Act)~~
- D. All meetings of the City Council shall be held at the City ~~Hall~~Council Chambers, which are currently located at 860 N. Rio Vista, Socorro, Texas 79927, except that in an emergency situation or another appropriate location designated by the City Council, may designate another place of such meetings, specifying the location on the notice of such meetings, ~~shall be~~ posted in conformance with ~~the Texas Open Meeting Act and any other~~ applicable State Law~~(s)~~.
- E. Special meetings of the City Council ~~shall may~~ be called by the City ~~Secretary-Clerk or designee~~ upon written

request of the Mayor and/or three (3) members of the City Council.

### Section 3.08 RULES OF PROCEDURE

The City Council shall determine, by ordinance, its own rules of procedure and order of business. The Agenda will consist of every item that will be discussed in public with public input through proper proceedings, except those items that will be discussed in Executive Session. Minutes of all meetings of the City Council, written, audio and visual, including the results of all votes, shall be taken and recorded. Such minutes shall constitute a permanent record to which any citizen may have access at all reasonable times; except under Executive Session. ~~(The Open Meetings Act prohibits disclosure of executive session recordings and/or minutes).~~

### Section 3.09 OFFICIAL BONDS FOR CITY EMPLOYEES

~~The City Council shall be required to maintain fidelity bonds on all municipal officers and all employees of the City who handle municipal funds. The amount of such bonds and types of coverage shall be determined by City Council and the cost shall be borne by the City.~~

#### RISK AND INSURANCE PROGRAM

The City Council has elected to use a risk pool program. The pool provides its members with a stable and economic source of financing for their insurance needs and prevention services. Program includes coverage for Crime, Public Employee Dishonesty, Forgery or Alteration, Theft, Disappearance and Destruction and Computer Fraud.

### Section 3.10 INTERFERENCE WITH ADMINISTRATION

A. Neither the City Council ~~not nor~~ any of its members shall instruct or request the City Manager or any of the City Manager's subordinates to appoint or remove from office or employment any person, except with respect to those offices ~~that~~ ~~which~~ are to be filled by appointment by the City Council under the provision of this Charter. Except for the purpose of inquiry and investigation, or as otherwise expressly provided by this Charter, the City Council shall interact with the administrative services of the City solely through the City Manager, and shall not give orders to any of the City Manager's subordinates, either publicly or privately, except with the City Manager's specific approval.

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B. An attempt by a Council Member to influence the City Manager or any of the City Manager's subordinates in the making of any appointment or the purchase of any materials or supplies shall subject such Council Member to removal from office for malfeasance. The City Council shall have the power to impose a range of consequences for violating the public's trust. The range of consequences includes censure, removal from office, permanent disqualification, restitution, and fines up to a designated amount determined by the City Council through a motion, resolution, or ordinance. The City Council may refer a Council Member's actions to the ethics commission to conduct an investigation and provide recommendations, with the final decision being made by the City Council.

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### Section 3.11 INVESTIGATION BY THE CITY COUNCIL

The City Council shall have the power to inquire into the official conduct of any office, department, agency, officer, or employee of the City, and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, paper, and other evidence material to the inquiry. The City Council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers, or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

### Section 3.1-2 AUDIT AND EXAMINATION OF CITY BOOKS AND ACCOUNTS

A. The City Council shall cause an annual audit to be made of the books and accounts of each department, at the close of each department, by the City. At the close of each fiscal year, a complete audit shall be made by a certified public accountant or firm of certified public accountants, who shall be selected by the City Council, not more than sixty (60) days nor less than thirty (30) days prior to the end of the fiscal year and who shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers

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The City Council shall engage an annual audit to be made of the books and accounts of the City. At the close of each fiscal year, a complete audit shall be made by a Certified Public Accountant(s), who is qualified to

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perform such audit, and shall be selected by the City Council not more than sixty (60) days nor less than thirty (30) days prior to the fiscal year end, and who shall have no personal interest, direct or indirect, in the fiscal affairs of the City or any of its officers.

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The City Council may appoint a City Auditor. The City Auditor shall carry out the internal audit functions as determined by the City Manager and City Council.

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- B. Such audit shall include a recapitulation of all internal audits made during the course of the fiscal year.
- C. All audit reports shall be filed with the City Council and shall be made a part of the archives of the City.
- D. All audits, ~~so authorized by the City Council,~~ shall be performed in accordance with written audit contracts. Such contracts shall state the period to be covered, the funds involved, the purpose of the audit, the fee to be charged, and the authority to be used in determining presentation and accounting standards.
- F. The City Council shall, at the end of each month, prepare or have prepared under its direction, a statement as to financial receipts and disbursements for that particular month, and shall have such statement not later than the 25<sup>th</sup> day of the following month and shall have a copy of said statement available in the office of the City Secretary for examination and a copy will be made, at a reasonable charge, for those who request one.
- G. An itemized Financial Statement shall be presented to all the new Council members coining into office.
- H. The auditor shall be available to the City Council throughout the budget year for special projects, reviews and reports.

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#### Section 3.13 ACTION REQUIRING AN ORDINANCE:

In addition to other acts required by law or by specific provisions of this Charter to be enacted by ordinance, those acts of the City Council shall be by ordinance which:

- A. ~~a~~Adopt or amend any code of technical regulations, or establish, alter, or abolish any City departments, office or agency;
- B. ~~Establish~~~~provide for~~ a fine or other penalty, or establish a rule or regulation for a violation of which a fine or other penalty is imposed ~~and for fine to be stipulated on ordinance;~~

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- C. ~~L~~evy taxes, except as otherwise provided in Article V with respect to the property tax levied by adoption of the budget;
- D. ~~g~~Grant, renew or extend a franchise;
- E. ~~r~~Regulate the rate charged for its services by public utility;
- F. ~~A~~uthorize the borrowing of money to meet a public emergency as provided by State Law;
- G. ~~C~~onvey, ~~o~~r lease, or authorize the conveyance or lease of any lands of the City of Socorro;
- H. ~~A~~dopt ordinances proposed under the initiative power as provided in Article VII; ~~and~~
- I. ~~A~~mend or repeal any ordinance previously adopted, except as otherwise provided in Article VII, with respect to the repeal of ordinances reconsidered under the referendum power; and
- J. ~~\_\_\_\_\_~~ ~~A~~dopt certificates of obligation.

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Section 3.14 ORDINANCES IN GENERAL

A. ~~\_\_\_\_\_~~ Form

- 1. Every proposed ordinance shall be introduced in writing and in the form required for final adoption.
- 2. Every ordinance shall contain only one subject, which shall be clearly expressed in its title.
- 3. The enacting clause shall be "Be it ordained by the City of Socorro.....".
- 4. Any ordinance which repeals or amends an existing ordinance or a part of a City code, shall set out in full the ordinance, sections, or subsections to be repealed or amended, and shall indicate the matter to be omitted by enclosing it in brackets or by strike out type, and shall indicate new matter by underscoring or by italics. Each page of the new ordinance shall be identified at the bottom of the page with the latest revision by date.
- 5. The original ordinance, repealed or amended, must be attached to the proposed ordinance.

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B. Procedure

- 1. An ordinance may be introduced by any member of the City Council at any regular or special meeting of the City Council.
- 2. Upon introduction of any ordinance, the City ~~Secretary-Clerk~~ shall:
  - a. distribute a copy of the ordinance to each member of the City Council and to the City Manager;
  - b. file a reasonable number of copies in the office of the City ~~Secretary-Clerk~~ and such other public places as City Council may designate; and

- c. publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the City Council.
  - 3. The public hearing shall follow the publication by at least five (5) days. Public hearings may be held separately or in connection with a regular or a special City Council meeting, and may be adjourned from time to time. All persons interested shall have an opportunity to be heard; at the public hearings.
  - 4. After two (2) readings, the City Council may adopt the ordinance with or without amendments or reject it; adoption of an ordinance requires that at least three (3) members vote in favor of the ordinance. If the ordinance is amended as to any matter of substance, the City Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures required in the case of newly introduced ordinances.
  - 5. As soon as practicable after adoption of any ordinance, the City shall have it published again, together with notice of its adoption.
- C. Effective Date
 

Unless otherwise provided, every ordinance shall become effective five (5) days after publication of notice of the adoption.
- D. "Publish" Defined
 

As used in this section, the term, "publish" means to print in one or more newspapers of general circulation in the City:

  - 1. the ordinance or brief summary thereof in compliance with Local Government Code Section 52.013; and
  - 2. ~~the places where copies of it have been filed and the time when they are available for public inspection; or~~
  - 2-3. ~~as otherwise authorized by State Law.~~
- E. This section shall not apply to emergency ordinances adopted under section 3.16 of this Charter.

Section 3.15 CODE OF TECHNICAL REGULATIONS

- A. The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be those prescribed for ordinances generally, except that:
  - 1. the requirements of Section 3.14 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations; ~~as well as~~ and of the adopting ordinances; and
  - 2. a copy of each adopted code of technical regulations; ~~as well as; and~~ of the adopting ordinance; shall be authenticated and recorded by the City ~~Secretary-Clerk~~ pursuant to Section 3.17 of this Article.

- B. Copies of any adopted code or technical regulations shall be made available by the City ~~Secretary-Clerk~~ for distribution or for purchase at a reasonable price.

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#### Section 3.16 EMERGENCY ORDINANCES

- A. To meet a public emergency, as determined by City Council, the City Council, may adopt one or more emergency ordinances. Such ordinance may not:
  - 1. levy taxes;
  - 2. grant, renew, or extend a franchise;
  - 3. regulate the rate charged by any public utility for its services; or
  - 4. authorize the borrowing of money, except as provided by Section 5.06 ~~(-B)~~ of this Charter.
- B. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances, generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- C. An emergency ordinance may be adopted with or without amendment, or rejected, at the meeting at which it is introduced. The affirmative vote of three (3) members of the City Council shall be required for adoption.
- D. Every emergency ordinance, except one made pursuant to Section 5.06 ~~(B)~~ of this Charter, shall automatically stand repealed as of the sixty first (61st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section, if the emergency still exists.

#### Section 3.17 AUTHENTICATION AND RECORDING

The Mayor and the City ~~Secretary-Clerk~~ shall authenticate each approved ordinance by signature, and have it recorded in full, in a properly indexed book kept for the purpose of officially archiving all original ordinances, resolutions and attachments adopted by the City Council.

#### Section 3.18 "LAME DUCK"

Elected officers shall not approve contracts within forty-five (45) days prior to the date of any City general election until inauguration of those elected. The City shall not enter into any contract for the purchase of materials or supplies or for professional services, the acquisition of any land or buildings, the construction or repair of any public building, or the carrying on of any other public work requiring, creating, or imposing an obligation or liability of any nature upon the City in excess of

\$3,000.00; provided that in the following situations, this provision shall not apply:

- A. In the case of public calamity, where it becomes necessary to act at once to appropriate money to relieve the necessity of citizens or to preserve the property of the City, or when it is necessary to preserve or protect the public health;
- B. In the case of contracts lawfully authorized prior to any City general election or to contracts which may be lawfully authorized by a vote of the people;
- C. In the case of obligation incurred by the City for providing essential and indispensable maintenance for any City department.

#### Section 3.19 HOTEL OCCUPANCY TAX

The City shall have the power to levy and collect a hotel-motel occupancy tax, as provided under the laws of ~~the State of Texas as may be amended from time to time~~. When this tax is levied by the City Council, the proceeds shall be used as set forth in ~~Section 351.101 of the Texas Tax Code, as amended from time to time~~.

#### Section 3.20 NEPOTISM

No person related within the second degree by affinity, or within the third degree by consanguinity, to members of the City Council or Mayor shall be appointed to any office, position or service in the City, but this provision shall not affect officials or employees who are already employed by the City or have been a City employee for six (6) months or longer at the time of the election of the Mayor or City Council Member.

#### Section 3.21 PERSONAL INTEREST

- A. No member of the City Council or any officer or employee of the City shall engage in self-dealing or have a financial interest, direct or indirect, in any contract with the City, or in the business of a contractor supplying the City, of any land or rights or interest in any land, material, supplies, or service, except on behalf of the City as an officer or employee.
- B. The City Council shall not authorize the expenditure of public funds for the development of a privately owned subdivision.
- C. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall ~~thereby~~ forfeit his or her office or position. ~~Any person or entity contracting with the City who knowingly, either expressly or implicitly, violates this section shall render the contract voidable by City Council. Any violation of this section with the knowledge~~

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~~expressed or implied of the person or corporation contracting with the City shall render the contract voidable by the City Council.~~

ARTICLE IV  
CITY ADMINISTRATION

Section 4.01 CITY MANAGER

- A. City Council shall appoint a City Manager by contract approved by ~~four-fifths (4/5)~~five-sixths (5/6) vote of the entire Council. The City Manager shall be a resident of the City of Socorro within six (6) months of employment. The City Manager must post a fidelity bond.
- B. The City Manager shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the Administration of the affairs of the City.
- C. The City Manager shall be chosen by the City Council on the basis of executive and administrative training, education (undergraduate or graduate degree preferred), three to five years progressive experience in an the administrative capacity and ability is preferred.
- D. The City Council shall be prohibited from appointing the City Manager to a term by contract longer than ~~twenty-four (24)~~forty-eight (48) months. The City Manager may be removed at the will and pleasure of the City Council by ~~four-fifths (4/5)~~five-sixths (5/6) vote of the entire City Council. ~~A severance package of more than six (6) months is prohibited.~~
- E. No member of the City Council shall, during the time for which he or she is ~~elected in office~~ nor for one (1) year thereafter, be appointed City Manager.
- F. The action of the City Council in suspending or removing the City ~~Manager~~ shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal on the City Council.
- G. In case of the absence or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during such absence or disability.
- H. The City Manager shall receive compensation as may be fixed by the City Council.

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Section 4.02 DUTIES OF THE CITY MANAGER

The City Manager shall:

- A. with the advice and consent of the City Council, appoint, and remove all department heads of the City except as otherwise provided by this Charter or by ordinance;
- B. attend all meetings of the City Council, taking part in discussion, but having no vote, and shall be notified of all special meetings of the City Council;

- C. see that all laws, provisions of this Charter, and acts of the City Council, subject to enforcement by the City Manager or by officers, subject to his or her direction and supervision, are faithfully executed;
- D. prepare and submit the annual budget and capital program to the City Council;
- E. submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- F. keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council on a monthly basis;
- G. make such other reports as the City Council may require concerning the operations of the City ~~departments, offices, and agencies~~ subject to his or her direction and supervision.
- H. perform such other duties as are specified in the Charter or may be required by the City Council or the Laws of the State of Texas; and
- I. oversee the direction and completion of any grant activity and/or the obtainment of public monies whether it be on the State or Federal level, and develop a five-year strategic economic growth plan.

Section 4.03 CITY ATTORNEY

- A. The City Council shall appoint an attorney(s) licensed to practice law in the State of Texas; as City Attorney(s), who shall not serve or provide services to those municipalities that fall within the Extra Territorial Jurisdiction (E.T.J.) of the City of Socorro (nor shall the City Attorney have a personal interest as outlined in Section 3.21). The City Attorney(s) shall serve at the will and pleasure of the City Council and may be terminated at any time. The City Attorney(s) will be entitled to compensation as established by the City Council.
- B. The duties of the City Attorney(s) shall be to:
  - 1. ~~s~~Serve as legal advisor to the City Council, ~~City Manager,~~ ~~to~~ all offices, departments and agencies of the City, and to all officers and employees of the City in matters relating to their official duties;
  - 2. ~~R~~represent the City in all legal proceedings, unless special council is approved to represent the City interest;
  - 3. ~~p~~Perform all services incident to his or her position as may be required by statute, this Charter, ordinance, or as directed by the City Council.
- C. The City Council may retain special counsel at any time it deems such action appropriate or necessary.
- D. Attorney(s) who are employees of the City must give a financial disclosure upon interview, and from time-to-time as requested by the City Council.



#### Section 4.04 MUNICIPAL COURT

- A. There is hereby established a court designated the Municipal Court of the City of Socorro.
- B. The Municipal Court shall have jurisdiction within the territorial limits of the City for the trial of misdemeanor offenses with all powers and duties granted by ~~the~~ the laws of the State of Texas. The Municipal Court has jurisdiction over those matters provided by City ordinance in addition to those powers conferred by State Law.
- C. The ~~J~~judge(s) of the Municipal Court shall be appointed by the City Council, based on the recommendations of the City Manager. The appointment shall take place within thirty (30) days following the general election of said City Council and will be for a term of two (2) years. The Municipal Court Judge(s) shall be qualified and shall be a resident of El Paso County, Texas. The Municipal Court Judge(s) will serve at the will and pleasure of the City Council/City ~~M~~Manager and may be terminated at any time. The Judge(s) of the Municipal Court shall be qualified and his~~r~~ or her compensation shall not be reduced during the term of office for which the Judge(s) was appointed.
- D. In the absence or disability of ~~the~~ a Judge, the City Council ~~shall~~ may appoint an interim judge who shall be qualified and who shall reside in the City of Socorro to preside over the ~~M~~Municipal Court.
- E. All costs and fines collected by the ~~M~~Municipal Court shall be paid to the City Treasury for the use and benefit of the City.
- F. The style of all writs issued out of the Municipal Court shall be in the name of the City of Socorro. All jurors shall be residents of said City and otherwise possess the same qualifications as jurors in the State Courts, and they shall be summoned in the same manner as provided for in Justice Courts.
- G. The ~~M~~Municipal Court of the City shall always be separate and apart from all departments of the City.

#### Section 4.05 POLICE DEPARTMENT

The City Council shall create a Police Department by ordinance.

- A. The Chief of Police shall be the Chief administrative officer of the ~~Department of~~ Police Department.
- B. The Chief of Police shall be a certified ~~p~~Peace ~~O~~fficer in accordance with the requirements of the ~~State Statutes of the~~ State of Texas.
- C. The Chief of Police shall be a classified employee of the City subject to Civil Service ~~R~~ules and ~~R~~egulations.
- D. ~~The selection of the Chief of Police based on the recommendation of the Civil Service Commission, shall be that of the Mayor and City Council by a majority of vote of the full City Council. The City Manager shall recommend one or more candidates to the City Council to serve as the Chief of Police. After considering the City Manager's recommendation(s), the City Council shall select the Chief of Police by a majority vote of the entire City Council.~~

- E. The Chief of Police shall be fully responsible to the City Council and City Manager for the administration of ~~his~~ the department. ~~He~~ The Chief of Police shall perform such duties as may be required of him or her by the City Council and City Manager in accordance with applicable ordinances and State Law.

Section 4.06 FIRE DEPARTMENT

The City Council may create a Fire Department as deemed necessary according to population growth.

- A. The Fire Chief shall be the Chief administrative officer of the Fire Department.
- B. The Fire Chief shall be a classified employee of the City subject to the Civil Service rules and regulations.
- C. The City Manager shall recommend one or more candidates to the City Council to serve as Fire Chief. After considering the City Manager's recommendation (s), the City Council shall select the Fire Chief by a majority vote of the entire City Council.
- D. The Fire Chief shall be fully responsible to the City Council and City Manager for the administration of the department. The Fire Chief shall perform such duties as may be required of him or her by the City Council and City Manager in accordance with applicable ordinances and State Law.

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ARTICLE VI

ELECTIONS

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Section 6.05 ELECTION BY PLURALITY MAJORITY

~~At any regular or special election for the City Council, including the office of Mayor, the candidate for each position or place who shall receive the greatest number of votes shall be declared elected. At any regular or special election for any position on the City Council, the candidate for each position who receives a majority of votes shall be declared elected. If no candidate receives a majority of votes, the two candidates who received the most votes shall participate in a runoff election in accordance with Texas Law.~~

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[TO BE PLACED ON CITY OF SOCORRO LETTERHEAD]

ORDINANCE NO. \_\_\_\_\_

***CONSIDERATION OF AN ORDINANCE OF THE CITY OF SOCORRO, CALLING FOR AN ELECTION TO BE HELD IN THE CITY OF SOCORRO, TEXAS, ON TUESDAY, THE 3<sup>rd</sup> DAY OF NOVEMBER, 2020, FOR THE PURPOSE OF AN ELECTION FOR APPROVAL OR REJECTION OF 28 PROPOSITIONS REGARDING AMENDMENTS TO THE CITY CHARTER OF THE CITY OF SOCORRO, TEXAS; ELECTION FOR MAYOR, CITY REPRESENTATIVE AT-LARGE, AND DISTRICT 4 CITY REPRESENTATIVE; DESIGNATING LOCATIONS OF POLLING PLACES; ORDERING NOTICE OF THE ELECTION TO BE GIVEN AS PRESCRIBED BY LAW; PROVIDING FOR THE PUBLICATION AND POSTING OF SAID NOTICE; PROVIDING FOR EARLY VOTING DATES AND TIMES; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTIONS AND RESOLVING OTHER MATTERS INCIDENT TO HOLDING OF SUCH ELECTION; PROVIDING A STATEMENT OF FISCAL IMPACT; PROVIDING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING FOR A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.***

**WHEREAS**, the City has reviewed the City Charter of the City of Socorro and has determined that certain amendments are in the best interest of the citizens and to comply with state law and after due consideration the City Council desires to conduct an election on proposed amendments to the City Charter of the City of Socorro on November 3, 2020;

**WHEREAS**, the City Council ordered to call an election for Mayor, City Representative At-Large, and District 4 City Representative to be held on November 3, 2020, pursuant to Texas law; and,

**WHEREAS**, the City Council desires to conduct the election on the proposed amendments to the City Charter of the City of Socorro concurrently with the election for Mayor, City Representative At-Large, and District 4 City Representative.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SOCORRO, TEXAS, THAT:**

**SECTION 1.** An election is hereby ordered for November 3, 2020, which date is not less than thirty (30) from the date of this Ordinance, pursuant to Section 9.002 of the Texas Local Government Code, for the purpose of submitting to the qualified voters of the City for their approval or disapproval the proposed amendments to the Charter of the City of Socorro, Texas, contained herein below. The election shall be in conjunction with the municipal election of officers for Mayor, City Representative At-Large, and District 4 City Representative. The general election shall be conducted by contract with the El Paso County Elections Department. The City Manager is authorized to approve and accept any agreements with the El Paso County Elections Department and to do all other things required for conduct of this Election.

**SECTION 2.** In accordance with Section 9.004(c) of the Texas Local Government Code, a copy of the notice of the election on the proposed Charter amendments containing a substantial

copy of the proposed amendments and an estimate of the anticipated fiscal impact to the City if the proposed amendments are approved at the election, shall be posted in English and in Spanish, on the City's board used for posting notices of the meeting of the Socorro City Council not later than the 21st day before election day. Notice of the election on the proposed Charter amendments shall also be published in a newspaper of general circulation in the City, and shall include a substantial copy of the proposed charter amendments and include an estimate of the anticipated fiscal impact to the City if the proposed amendments are approved at the election. Said notice shall be published on the same day in each of two successive weeks, with the first publication occurring no earlier than the thirtieth (30) day and no later than the fourteenth (14) day before the date of the election. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and such person posting the notice shall make a record of the time of posting, starting date and the place of posting.

**SECTION 3.** The Socorro City Secretary/City Clerk shall coordinate procedures with the El Paso County Elections Department to ensure that ballots are prepared to be used in said election, conforming to legal requirements, and the ballot shall be prepared in a manner that the voters may vote "YES" or "NO" on any amendment or amendments without voting "YES" or "NO" on all of said amendments. The ballots, and such other materials as may be required by Chapter 272 of the Texas Election Code, shall be printed in English and in Spanish for use in said general election.

**SECTION 4.** Early voting shall be conducted at the locations and on the dates and times set forth in Exhibit "A," attached hereto and made a part hereof, during the period commencing on Monday, October 19, 2020, and ending on Friday, October 30, 2020.

**SECTION 5.** Voting on Election Day shall be conducted at the polling places set forth in Exhibit "B," attached hereto and made a part hereof. The Election Day polling places shall be kept open on November 3, 2020, from 7:00 a.m. to 7:00 p.m.

**SECTION 6.**

- (a) The El Paso County Elections Administrator shall serve as the Early Voting Clerk. The official mailing address is:  
500 E. San Antonio Ave., Suite #314  
El Paso, Texas 79901  
Facsimile No.: (915) 546-2220  
E-mail: [ballotrequests@epcounty.com](mailto:ballotrequests@epcounty.com)
- (b) The City Secretary of the City of Socorro shall serve as Chief Deputy Early Voting Clerk.
- (c) Applications for ballot by mail shall be mailed, faxed, or e-mailed to the Early Voting Clerk at the address, facsimile number, or e-mail address set out in subsection (a) above. The electronic transmission of a scanned application must contain an original signature, and must be received pursuant to section 84.007 of the Texas Election Code, except as otherwise provided by law.

- (d) Applications for ballot by mail must be received no later than the close of business on October 23, 2020, pursuant to section 84.007 of the Texas Election Code, except as otherwise provided by law. Late ballot voting shall be conducted pursuant to chapters 102 and 103 of the Election Code.

**SECTION 7.** Due returns shall be made to the City Council at a Council meeting for the canvassing of said election in accordance with the Texas Election Code.

**SECTION 8.** The amendments to the City Charter of the City of Socorro ("Propositions") attached hereto as Exhibit "C" as if fully stated herein shall be submitted to the qualified voters of the City and official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to adopt or reject the proposed amendments.

**SECTION 9.** The official ballots to be used in said election shall be prepared in accordance with Sections 52.072 and 52.073 of the Election Code of the State of Texas, and shall have printed thereon the following PROPOSITIONS to be expressed substantially as stated in Exhibit "C."

**SECTION 10.** The proposed amendments in Exhibit "C", if approved by a majority of the qualified voters voting upon said amendments, shall become a part of the City Charter of the City of Socorro, Texas as soon as an official order has been entered on the City of Socorro Council Minutes declaring the same adopted.

**SECTION 11. STATEMENT OF ANTICIPATED FISCAL IMPACT OF CHARTER AMENDMENTS.** Pursuant to Section 9.004(c)(2) of the Texas Local Government Code, (requiring a statement of the anticipated fiscal impact to the City if the proposed amendments are approved), the City asserts that the anticipated fiscal impact if Proposition No. 13 is approved will be \$30,000.00 per year. There is no anticipated fiscal impact if Proposition Nos. 1-12 and 14-28 are approved.

**SECTION 12.** That in all respects, said election shall be conducted in accordance with the Texas Constitution, Texas Election Code, Texas Local Government Code, the City Charter of the City of Socorro and applicable City of Socorro Ordinances.

**SECTION 13.** All ordinances of the City of Socorro in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

**SECTION 14.** That it is hereby officially found and determined that the meeting at which this Ordinance was adopted and said election was called was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Texas Government Code.

**SECTION 15.** That this election Ordinance shall take effect upon adoption, and it is accordingly so ordained.

CITY OF SOCORRO, TEXAS

By: \_\_\_\_\_  
Elia Garcia, Mayor

ATTEST:

\_\_\_\_\_  
Olivia Navarro, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James A. Martinez  
Socorro City Attorney

Introduction and First Reading: \_\_\_\_\_  
Second Reading and Adoption: \_\_\_\_\_

1533015

## EXHIBIT "A"

### CITY OF SOCORRO NOVEMBER 3, 2020 ELECTION EARLY VOTING BY PERSONAL APPEARANCE DAYS AND HOURS

**Early Voting.** Early voting by personal appearance shall be conducted on the attached dates and times and at the following locations, but may be subject to change.

**EXHIBIT “B”**

CITY OF SOCORRO NOVEMBER 3, 2020 ELECTION

**Election Day Voting.** Voting on Election Day shall be conducted at the attached time and locations, but may be subject to change.



**EXHIBIT “C”**

**CITY OF SOCORRO NOVEMBER 3, 2020 ELECTION  
PROPOSITIONS**

An election will be held on November 3, 2020, for the purpose of allowing voters to determine whether to amend the City of Socorro City Charter. Persons interested in voting on these issues may contact the El Paso County Elections Administrator for information about polling places and other information pertaining to the election.

**PROPOSITION NO. 1**

Should the City Charter be amended to correct typographical errors, syntax, grammar, archaic verbiage, paragraph numbering, page numbering, sentence structure, gender references, punctuation, font size and type, indentations and spacing, and formatting?

*VOTE:*        *YES*                 *NO*

**PROPOSITION NO. 2**

Should the City Charter be amended to replace all usage of “City Secretary” with “City Clerk”?

*VOTE:*        *YES*                 *NO*

**PROPOSITION NO. 3**

Should Section 2.0(B) of the City Charter, relating to the powers of the City regarding land use and development regulations and housing be amended, and hereafter read as follows:

**Section 2.0 GENERAL POWERS**

...

B.     The powers possessed by the City include, but are not limited:

...

- 8. To provide land use and development regulations, to include, but no limited to: zoning and subdivision regulations, alleviation or prevention of colonias and other conditions of deterioration, and achievement of the most appropriate use of land resources.
- 9. Authority, either singularly or jointly, with the county, to acquire, establish and own, either by purchase, donation, bequest or otherwise all property that may be useful or necessary for the purposes of establishing and maintaining parks and recreation facilities as authorized by law. Such facilities may be operated by a board created by City Council.

10. To create a housing authority in accordance with the laws of the State of Texas and the United States.
11. To establish regulations providing minimum standards for all buildings that are used or intended for use as places of human habitation, which standards shall be designed to make it reasonably certain that all such buildings or dwelling places shall be constructed, reconstructed, repaired and maintained so as to protect the safety, health and general welfare of the community, its citizens and the persons who reside in such buildings or dwelling places.
12. To undertake and engage in programs and projects for urban renewal or redevelopment as authorized by the laws of the State of Texas and the United States.

*VOTE:*            *YES*             *NO*

**PROPOSITION NO. 4**

Should Section 2.02 of the City Charter, relating to annexation be amended to remove language that is superfluous to the Charter, and hereafter read as follows:

**Section 2.03. EMINENT DOMAIN**

The City Council shall have the power to fix the boundary limits of the City of Socorro and to provide for the alteration, reduction, and extension of said boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the territory and its inhabitants in accordance with Texas law.

*VOTE:*            *YES*             *NO*

**PROPOSITION NO. 5**

Should Section 2.03 of the City Charter, relating to eminent domain, be amended to delete an exception and correct the standard regarding compensation, and hereafter read as follows:

**Section 2.02. EMINENT DOMAIN**

The City shall have the full power to exercise the right of eminent domain when necessary to the conduct of public affairs, consistent with the authority conferred by this Charter or by the Constitution and laws of the State of Texas. Such authority shall include the obligation to pay just compensation and the right to take the fee in land so condemned and to institute condemnation proceedings for municipal or public purposes.

*VOTE:*            *YES*             *NO*

**PROPOSITION NO. 6**

Should Section 2.04 of the City Charter, relating to the determination of extra territorial jurisdiction, be amended to delete the specific section of the Texas Local Government Code cited therein and refer to Texas law, and hereafter read as follows:

**Section 2.04. DETERMINATION OF EXTRA TERRITORIAL JURISDICTION**

The extra territorial Jurisdiction of the City of Socorro shall be determined in accordance with Texas law.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 7**

Should Section 2.05 of the City Charter, relating to the annexation procedures be amended to cite to Texas law, and hereafter read as follows:

**Section 2.05. ANNEXATION PROCEDURES**

The Annexation procedures of the City of Socorro shall comply with Texas law.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 8**

Should Section 2.06 of the City Charter, relating to detachment of territories be amended to remove the ordinance requirement and cite to general state law requirements, and hereafter read as follows:

**Section 2.06. DETACHMENT OF TERRITORIES**

Territory lying within the boundary limits of the City and that abuts the outer boundary limits may, after notice and other procedures as required by State Law be de-annexed and detached from the City. Any such territory so detached shall be liable for its pro rata share of any taxes and fees incurred while it was part of the City, except as provided by State Law.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 9**

Should Section 3.01 of the City Charter, relating to the number, selection and terms of office be amended to reflect the Amended Final Order and Judgment dated May 29, 2013 regarding the terms of office and staggered terms, and further amend the amount of consecutive terms, to hereafter read as follows:

**Section 3.01. NUMBER, SELECTION AND TERMS OF OFFICE**

- A. The legislative and governing body of the City shall consist of a Mayor and five City Representatives and shall be known as the "City Council of the City of Socorro."
- B. The Mayor and the City Representatives shall be elected to serve for four (4) year terms and not for not more than two (2) consecutive terms. Council members other than the Mayor shall be elected from single member districts numbered 1, 2, 3, and 4, and one position shall be At Large. The Districts will be established, determined and district lines shall be redrawn after each federal census, if required, to comply with state and federal voting laws and regulations. Each candidate for City Council in a particular District shall be a resident of that District.
- C. The Council members shall serve staggered terms. The positions of Mayor, At-Large Representative, and District 4 City Representative were filled by election in November 2016, and shall continue to be filled by election in November of every fourth year thereafter. The positions of District 1 City Representative, District 2 City Representative, and District 3 City Representative were filled by election in November 2017, and shall continue to be filled by election in November of every fourth year thereafter. All terms of office for members of the Socorro City Council shall be four (4) years, and shall run from November through November of the fourth year after the member is elected.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 10**

Should Section 3.02 of the City Charter, relating the qualifications of candidates be amended regarding the circumstances that may result in a forfeit of office and declaration of a vacant office, and hereafter read as follows:

**Section 3.02. QUALIFICATIONS**

All qualifications must be met at the time of candidacy filing in addition to other qualifications prescribed by the laws of the State of Texas.

The candidate shall:

- A. Be a citizen of the United States of America and qualified voter of the City of Socorro;
- B. Have resided for at least 12 months preceding the election within the corporate limits of the City, or for 12 months within a territory that has been annexed by the City;
- C. Not be in arrears in the payments of any taxes or other liability due to the City in the last two years;
- D. Show proof that his or her homestead and residency are one and the same and that such property lies within the corporate boundaries of the City of Socorro.
- E. Any member of the City Council who ceases to possess any of the qualifications specified in this section or is convicted of a felony of any kind or misdemeanor crime of moral turpitude while in office, or is absent from three (3) consecutive regular meetings in one year without being excused by the City Council, shall forfeit their office and the City Council shall declare that position vacant. A majority vote of elected members of the City Council is required to declare the office vacant.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 11**

Should Sections 3.03(C) and (D) of the City Charter, relating to when the Mayor and Mayor Pro Tem may vote and the length of the Mayor Pro Tem appointment, be amended and hereafter read as follows:

**Section 3.03. MAYOR AND MAYOR PRO TEM**

...

- C. The Mayor, or the Mayor Pro Tem while presiding over the City Council in the absence of the Mayor, shall vote only in the case of a tie except to pass an ordinance when the voting membership of the Council is reduced below five (5) owing to one or more absences and/or vacancies and/or abstentions. The Mayor may also vote when this Charter or any law requires more than a simple majority vote of the City Council.
- D. The Mayor Pro Tem shall serve in his or her capacity as Mayor Pro Tem for not longer than one (1) year from the date of appointment by the City Council or as long as is otherwise prescribed by Texas Law.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 12**

Should Section 3.04(O) of the City Charter, relating to the general power and duties of City Council be amended to delete that for good cause it can order a recall election to be held for or with respect to any member of the City Council, and the remaining subsections renumbered:

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 13**

Should Section 3.05 of the City Charter, relating to compensation of City Council, be amended to raise the compensation of the Mayor from \$15,000.00 to \$20,000.00 and each City Council member from \$10,000.00 to \$15,000.00, and state that the Mayor and City Council members are eligible to participate in the health, dental, vision care, and life insurance benefits, and hereafter read as follows:

**Section 3.05. COMPENSATION**

That the Mayor shall receive twenty thousand dollars per year (\$20,000.00) and each of the City Council members shall receive fifteen thousand dollars (\$15,000.00) per year as compensation for their services, with an inclusion of inflation cost to be revised every four years, and any increase of salary shall be through a Charter Amendment only; and they shall be entitled to all necessary expenses incurred in the performance of their official duties or officially representing the City, when such expenses are authorized and approved by a majority vote of the members of the City Council at a meeting of the City Council. The Mayor and City Council members may be eligible to participate in the benefit programs that include health, dental, vision care, and life insurance, subject to such participation being approved by City Council.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 14**

Should Section 3.06 of the City Charter, relating to City Council vacancies be amended to reflect that it will be filled by appointment for the remainder of the unexpired term until an election occurs, and such portion of Section 3.06 hereafter read as follows:

**Section 3.06. VACANCIES**

...  
All vacancies shall be filled by appointment for the remainder of the unexpired term of the office until such time as an election occurs.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 15**

Should the last paragraph of Section 3.06 of the City Charter, relating to vacancies of City Council be amended to allow appointment of a vacancy for the unexpired term of the office until an election fills the vacancy, and for such portion to hereafter read as follows:

**Section 3.06. VACANCIES**

...

All vacancies shall be filled by appointment for the remainder of the unexpired term of the office or until such time as an election occurs.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 16**

Should Sections 3.07(C), (D), and (E) of the City Charter, relating to City Council meetings be amended to remove reference to the Texas Open Meetings Act, be amended as to the location of City Council meetings, and clarify who may call a special meeting, and hereinafter read as follows:

**Section 3.07 MEETINGS**

...

- C. All meetings of the City Council shall be open to the public except as provided by law.
  
- D. All meetings of the City Council shall be held at the City Council Chambers, 860 N. Rio Vista, Socorro, Texas 79927, or another appropriate location designated by the City Council. Notice of such meetings shall be posted in conformance with applicable State Law.
  
- E. Special meetings of the City Council may be called by the City Clerk or designee upon written request of the Mayor and/or three (3) members of the City Council.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 17**

Should Section 3.08 of the City Charter relating to rules of procedure be amended to delete the last sentence regarding the Open Meetings Act, and hereafter read as follows:

**Section 3.08. RULES OF PROCEDURE**

The City Council shall determine, by ordinance, its own rules of procedure and order of business. The Agenda will consist of every item that will be discussed in public with public input through proper proceedings, except those items that will be discussed in Executive Session.

Minutes of all meetings of the City Council, written, audio and visual, including the results of all votes, shall be taken and recorded. Such minutes shall constitute a permanent record to which any citizen may have access at all reasonable times; except under Executive Session.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 18**

Should Section 3.09 of the City Charter relating to official bonds for the City employees be amended to delete such paragraph and title and reflect the risk pool program, and be amended to hereafter read as follows:

**Section 3.09. RISK AND INSURANCE PROGRAM**

The City Council has elected to use a risk pool program. The pool provides its members with a stable and economic source of financing for their insurance needs and prevention services. Program includes coverage for Crime, Public Employee Dishonesty, Forgery or Alteration, Theft, Disappearance and Destruction and Computer Fraud.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 19**

Should Section 3.10 of the City Charter, relating to interference with administration be amended to add subsection (B) to prohibit any attempt by a council member to influence the City Manager or any of the City Manager’s subordinates in the making of any appointment or purchase of materials and supplies, and for such subsection to hereafter read as follows:

**Section 3.10. INTERFERENCE WITH ADMINISTRATION**

...

- B. An attempt by a Council Member to influence the City Manager or any of the City Manager’s subordinates in the making of any appointment or the purchase of any materials or supplies shall subject such Council Member to removal from office for malfeasance. The City Council shall have the power to impose a range of consequences for violating the public’s trust. The range of consequences includes censure, removal from office, permanent disqualification, restitution, and fines up to a designated amount determined by the City Council through a motion, resolution, or ordinance. The City Council may refer a Council Member’s actions to the ethics commission to conduct an investigation and provide recommendations, with the final decision being made by the City Council.

*VOTE:*        *YES*         *NO*



**PROPOSITION NO. 20**

Should Section 3.12(A) of the City Charter, relating to the audit and examination of City books and accounts, be amended to require City Council to engage an annual audit at the end of each fiscal year, and subsection (D) to clarify that all audits that must be performed in accordance with written contracts, and hereinafter have subsections (A) and (D) read as follows:

**Section 3.12. INTERFERENCE WITH ADMINISTRATION**

- A. The City Council shall engage an annual audit to be made of the books and accounts of the City. At the close of each fiscal year, a complete audit shall be made by a Certified Public Accountant(s) who is qualified to perform such audit, and shall be selected by the City Council not more than sixty (60) days nor less than thirty (30) days prior to the fiscal year end, and who shall have no personal interest, direct or indirect, in the fiscal affairs of the City or any of its officers.

The City Council may appoint a City Auditor. The City Auditor shall carry out the internal audit functions as determined by the City Manager and City Council.

...

- D. All audits shall be performed in accordance with written audit contracts. Such contracts shall state the period to be covered, the funds involved, the purpose of the audit, the fee to be charged, and the authority to be used in determining presentation and accounting standards.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 21**

Should Section 3.14(D) of the City Charter, relating to the definition of “publish” of a general ordinances be amended to add “as otherwise authorized by state law,” and for such section to hereafter read as follows:

**Section 3.14. ORDINANCES IN GENERAL**

...

- D. "Publish" Defined

As used in this section, the term, "publish" means to print in one or more newspapers of general circulation in the City:

1. the ordinance or brief summary thereof in compliance with Local Government Code Section 52.013; and
2. the places where copies of it have been filed and the time when they are available for public inspection; or
3. as otherwise authorized by State Law.

VOTE: YES  NO

**PROPOSITION NO. 22**

Should Section 3.19 of the City Charter, relating to the hotel occupancy tax be amended to delete the cited Tax Code section, and generally refer to the Texas Tax Code, and for such section to hereafter read as follows:

**Section 3.19. HOTEL OCCUPANCY TAX**

The City shall have the power to levy and collect a hotel-motel occupancy tax, as provided under the laws of the State of Texas. When this tax is levied by the City Council, the proceeds shall be used as set forth in the Texas Tax Code.

VOTE: YES  NO

**PROPOSITION NO. 23**

Should Section 3.21 of the City Charter, relating to personal interest be amended into three subsections and to clarify circumstances when a contract is voidable, and hereafter read as follows:

**Section 3.21. PERSONAL INTEREST**

- A. No member of the City Council or any officer or employee of the City shall engage in self-dealing or have a financial interest, direct or indirect, in any contract with the City, or in the business of a contractor supplying the City, of any land or rights or interest in any land, material, supplies, or service, except on behalf of the City as an officer or employee.
- B. The City Council shall not authorize the expenditure of public funds for the development of a privately owned subdivision.
- C. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall forfeit his or her office or position. Any person or entity contracting with the City who knowingly, either expressly or implicitly, violates this section shall render the contract voidable by the City Council.

VOTE: YES  NO

**PROPOSITION NO. 24**

Should Sections 4.01(A), (D), and (E) of the City Charter, regarding the City Manager's contract, length and removal thereof, and appointment as a City Manager, be amended to hereafter read as follows:

**Section 4.01. CITY MANAGER**

A. City Council shall appoint a City Manager by contract approved by five-sixths (5/6) vote of the entire Council. The City Manager shall be a resident of the City of Socorro within six (6) months of employment. The City Manager must post a fidelity bond.

...

D. The City Council shall be prohibited from appointing the City Manager to a term by contract longer than forty-eight (48) months. The City Manager may be removed at the will and pleasure of the City Council by five-sixths (5/6) vote of the entire City Council.

E. No member of the City Council shall, during the time for which he or she is in office nor for one (1) year thereafter, be appointed City Manager.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 25**

Should Section 4.04(D) of the City Charter, regarding the absence or disability of a Judge be amended to make the appointment of an interim municipal judge permissive, and hereafter read as follows:

**Section 4.04. MUNICIPAL COURT**

...

D. In the absence or disability of a Judge, the City Council may appoint an interim judge who shall be qualified and who shall reside in the City of Socorro to preside over the Municipal Court.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 26**

Should Section 4.05(D) of the City Charter, regarding the selection of the Chief of Police be amended to provide for the City Manager to make candidate recommendations to City Council, and hereafter read as follows:

**Section 4.05. POLICE DEPARTMENT**

...

D. The City Manager shall recommend one or more candidates to the City Council to serve as the Chief of Police. After considering the City Manager's recommendation(s), the City Council shall select the Chief of Police by a majority vote of the entire City Council.

*VOTE:*        *YES*         *NO*

**PROPOSITION NO. 27**

Should Section 4.06 of the City Charter, regarding the selection and duties of the Fire Chief if a fire department is created, be amended to add the following subsections, and hereafter read as follows:

**Section 4.06. FIRE DEPARTMENT**

The City Council may create a Fire Department as deemed necessary according to population growth.

- A. The Fire Chief shall be the Chief administrative officer of the Fire Department.
- B. The Fire Chief shall be a classified employee of the City subject to the Civil Service rules and regulations.
- C. The City Manager shall recommend one or more candidates to the City Council to serve as Fire Chief. After considering the City Manager's recommendation (s), the City Council shall select the Fire Chief by a majority vote of the entire City Council.
- D. The Fire Chief shall be fully responsible to the City Council and City Manager for the administration of the department. The Fire Chief shall perform such duties as may be required of him or her by the City Council and City Manager in accordance with applicable ordinances and State Law.

VOTE:        YES         NO

**PROPOSITION NO. 28**

Should Section 6.05 of the City Charter, relating to the election of the City Council Representatives and Mayor, be amended to hereafter read as follows:

**Section 6.05. ELECTION BY MAJORITY**

At any regular or special election for any position on the City Council, the candidate for each position who receives a majority of votes shall be declared elected. If no candidate receives a majority of votes, the two candidates who received the most votes shall participate in a runoff election in accordance with Texas Law.

VOTE:        YES         NO

*Elia Garcia*  
Mayor

*Rene Rodriguez*  
At Large

*Cesar Nevarez*  
District 1 / Mayor Pro-Tem



*Ralph Duran*  
District 2

*Victor Perez*  
District 3

*Yvonne Colon-Villalobos*  
District 4

*Adriana Rodarte*  
City Manager

July 20, 2020

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: Michael Medina, City Planner**

Discussion and action to approve and execute an Advance Funding Agreement (AFA) with the State of Texas acting through the Texas Department of Transportation (TxDOT) for the Nuevo Hueco Tanks Road Extension Project and provide a resolution for this project.

**SUMMARY**

The City Council of the City of Socorro must approve the execution of agreements and provide resolutions for the Nuevo Hueco Tanks Road Extension Project in order to proceed with the project work,

**STATEMENT OF THE ISSUE**

Please see the Advance Funding Agreement (AFA) and resolution draft attached.

**FINANCIAL IMPACT**

**Account Code (GF/GL/Dept): N/A**

**Funding Source: N/A**

**Amount: Various. Please see the agreements attached.**

**Quotes (Name/Commodity/Price): N/A**

**Co-op Agreement (Name/Contract#): N/A**

**ALTERNATIVE**

Not approve. The City will not enter into Advance Funding Agreements with TxDOT for the Nuevo Hueco Tanks Road Extension Project

**STAFF RECOMMENDATION**

**APPROVE** – The City will not enter into Advance Funding Agreements with TxDOT for the Nuevo Hueco Tanks Road Extension Project

**REQUIRED AUTHORIZATION**

1. City Manager \_\_\_\_\_ Date \_\_\_\_\_
2. CFO \_\_\_\_\_ Date \_\_\_\_\_
3. Attorney \_\_\_\_\_ Date \_\_\_\_\_

TxDOT:		Federal Highway Administration:	
CSJ #	0924-06-607	CFDA No.	20.205
District #	24 EL PASO	CFDA Title	Highway Planning and Construction
Code Chart 64 #	39725		
Project Name	Nuevo Hueco Tanks Extension	<i>AFA Not Used For Research &amp; Development</i>	

STATE OF TEXAS       §

COUNTY OF TRAVIS   §

**ADVANCE FUNDING AGREEMENT**  
**For**  
**Surface Transportation Program (STP-MM)**  
**Off-System**

**THIS AGREEMENT** (Agreement) is made by and between the State of Texas, acting by and through the **Texas Department of Transportation** called the “State”, and the **City of Socorro**, acting by and through its duly authorized officials, called the “Local Government”. The State and Local Government shall be collectively referred to as “the parties” hereinafter.

**WITNESSETH**

**WHEREAS**, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

**WHEREAS**, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

**WHEREAS**, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

**WHEREAS**, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

**WHEREAS**, the Texas Transportation Commission passed Minute Order Number **115550** authorizing the State to undertake and complete a highway improvement or other transportation project generally described as **the extension of Nuevo Hueco Tanks Road**. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project), and

**WHEREAS**, the Texas Transportation Commission has not authorized funding for the construction of the highway improvement or other transportation project and the project is not currently listed and approved for construction in the Unified Transportation Program (UTP) or Statewide Transportation Improvement Program (STIP). This Agreement does not represent a commitment to future project funding for any project elements, including construction, not specifically outlined in the Agreement. Costs not specifically identified as reimbursable under this Agreement will not be requested or reimbursed.

<b>TxDOT:</b>		<b>Federal Highway Administration:</b>	
<b>CSJ #</b>	<b>0924-06-607</b>	<b>CFDA No.</b>	<b>20.205</b>
<b>District #</b>	<b>24 EL PASO</b>	<b>CFDA Title</b>	<b>Highway Planning and Construction</b>
<b>Code Chart 64 #</b>	<b>39725</b>		
<b>Project Name</b>	<b>Nuevo Hueco Tanks Extension</b>	<i><b>AFA Not Used For Research &amp; Development</b></i>	

**WHEREAS**, the Governing Body of the Local Government has approved entering into this Agreement by resolution, ordinance, or commissioners court order dated **{Enter Date of Resolution}**, which is attached to and made a part of this Agreement as Attachment A, Resolution, Ordinance, or Commissioners Court Order (Attachment A). A map showing the Project location appears in Attachment B, Location Map Showing Project (Attachment B), which is attached to and made a part of this Agreement.

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this Agreement, it is agreed as follows:

### **AGREEMENT**

**1. Responsible Parties:**

For the Project covered by this Agreement, the parties shall be responsible for the following work as stated in the article of the Agreement referenced in the table below:

1.	<b>N/A</b>	Utilities	Article 8
2.	<b>Local Government</b>	Environmental Assessment and Mitigation	Article 9
3.	<b>Local Government</b>	Architectural and Engineering Services	Article 11
4.	<b>N/A</b>	Construction Responsibilities	Article 12
5.	<b>N/A</b>	Right of Way and Real Property	Article 14

**2. Period of the Agreement**

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

**3. Scope of Work**

The scope of work for the Project consists of the extension of Nuevo Hueco Tanks Road from FM 76 (North Loop Road) to SH 20 (Alameda Avenue). Project includes the construction of a new location 4 lane roadway and a shared-use path.

**4. Project Sources and Uses of Funds**

The total estimated cost of the Project is shown in Attachment C, Project Budget (Attachment C) which is attached to and made a part of this Agreement.

- A. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled "Local Government Project Procedures and Qualification for the Texas Department of Transportation" and retains qualification



<b>TxDOT:</b>		<b>Federal Highway Administration:</b>	
<b>CSJ #</b>	<b>0924-06-607</b>	<b>CFDA No.</b>	<b>20.205</b>
<b>District #</b>	<b>24 EL PASO</b>	<b>CFDA Title</b>	<b>Highway Planning and Construction</b>
<b>Code Chart 64 #</b>	<b>39725</b>		
<b>Project Name</b>	<b>Nuevo Hueco Tanks Extension</b>	<b><i>AFA Not Used For Research &amp; Development</i></b>	

in accordance with applicable TxDOT procedures. Upon request, the Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.

- B. The expected cash contributions from the federal government, the State, the Local Government, or other parties are shown in Attachment C. The State will pay for only those Project costs that have been approved by the Texas Transportation Commission. For projects with federal funds, the State and the federal government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration (FHWA). After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- C. Attachment C shows, by major cost categories, the cost estimates and the party responsible for performing the work for each category. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- D. The State will be responsible for securing the federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- E. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal participation specified in Attachment C and for overruns in excess of the amount specified in Attachment C to be paid by the Local Government.
- F. The budget in Attachment C will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
- G. When the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State's written notification of additional funds being due.
- H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment C. Fixed prices are not subject to adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government's requested scope of work identifies greatly differing costs from those estimated; (3) work requested by the Local Government is determined to be ineligible

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for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.

- I. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment C. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering performed or reviewed by the State for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
- J. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
- K. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.
- L. The State will not pay interest on any funds provided by the Local Government.
- M. If a waiver for the collection of indirect costs for a service project has been granted under 43 TAC §15.56, the State will not charge the Local Government for the indirect costs the State incurs on the Project, unless this Agreement is terminated at the request of the Local Government prior to completion of the Project.
- N. If the Local Government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this Agreement reflects those adjustments.
- O. Where the Local Government is authorized to perform services under this Agreement and be reimbursed by the State, the Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice, in a form and containing all items required by the State, no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
- P. Upon completion of the Project, the State will perform a final accounting of the Project costs for all items of work with specified percentage funding. Any funds due by the Local Government, the State, or the federal government for these work items will be promptly paid by the owing party.
- Q. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

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R. Payment under this Agreement beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this Agreement shall be terminated immediately with no liability to either party.

**5. Termination of This Agreement**

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The Agreement is terminated in writing with the mutual consent of the parties;
- B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Agreement is terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government’s proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination; or
- E. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.

**6. Amendments**

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

**7. Remedies**

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

**8. Utilities**

The party named in Article 1, Responsible Parties, under AGREEMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable state laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government’s failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or State funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State’s request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is commenced.

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**9. Environmental Assessment and Mitigation**

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- B. The cost of any environmental problem’s mitigation and remediation.
- C. Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.
- D. The preparation of the NEPA documents required for the environmental clearance of this Project.

If the Local Government is responsible for the environmental assessment and mitigation, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

**10. Compliance with Accessibility Standards**

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

**11. Architectural and Engineering Services**

The party named in Article 1, Responsible Parties, under AGREEMENT has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State’s *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the State highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the State highway system, the design shall, at a minimum, conform to applicable American Association of State Highway and Transportation Officials (AASHTO) design standards.

In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters. If the Local Government is the responsible party, the Local Government shall submit its procurement selection process for prior approval by the State. All professional services contracts must be reviewed and approved by the State prior to execution by the Local Government.

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**12. Construction Responsibilities**

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. If the State is the responsible party, the State will use its approved contract letting and award procedures to let and award the construction contract.
- C. If the Local Government is the responsible party, the Local Government shall submit its contract letting and award procedures to the State for review and approval prior to letting.
- D. If the Local Government is the responsible party, the State must concur with the low bidder selection before the Local Government can enter into a contract with the vendor.
- E. If the Local Government is the responsible party, the State must review and approve change orders.
- F. Upon completion of the Project, the party responsible for constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion and submit certification(s) sealed by a professional engineer(s) licensed in the State of Texas.
- G. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

**13. Project Maintenance**

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was on the State highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

**14. Right of Way and Real Property**

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the provision and acquisition of any needed right of way or real property.

The Local Government shall be responsible for the following:

- A. Right of way and real property acquisition shall be the responsibility of the Local Government. Title to right of way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property.

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- B. If the Local Government is the owner of any part of the Project site under this Agreement, the Local Government shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- C. All parties to this Agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.
- D. The Local Government shall assume all costs and perform necessary requirements to provide any necessary evidence of title or right of use in the name of the Local Government to the real property required for development of the Project. The evidence of title or rights shall be acceptable to the State, and be free and clear of all encroachments. The Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Local Government shall be responsible for securing any additional real property required for completion of the Project.
- E. In the event real property is donated to the Local Government after the date of the State's authorization, the Local Government will provide all documentation to the State regarding fair market value of the acquired property. The State will review the Local Government's appraisal, determine the fair market value and credit that amount towards the Local Government's financial share. If donated property is to be used as a funding match, it may not be provided by the Local Government. The State will not reimburse the Local Government for any real property acquired before execution of this Agreement and the obligation of federal spending authority.
- F. The Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to the State for approval prior to the Local Government acquiring the real property. Tracings of the maps shall be retained by the Local Government for a permanent record.
- G. The Local Government agrees to make a determination of property values for each real property parcel by methods acceptable to the State and to submit to the State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land acquired, itemization of improvements acquired, damages (if any) and the amounts by which the total compensation will be reduced if the owner retains improvements. This tabulation shall be accompanied by an explanation to support the determined values, together with a copy of information or reports used in calculating all determined values. Expenses incurred by the Local Government in performing this work may be eligible for reimbursement after the Local Government has received written authorization by the State to proceed with determination of real property values. The State will review the data submitted and may base its reimbursement for parcel acquisitions on these values.

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- H. Reimbursement for real property costs will be made to the Local Government for real property purchased in an amount not to exceed eighty percent (80%) of the cost of the real property purchased in accordance with the terms and provisions of this Agreement. Reimbursement will be in an amount not to exceed eighty percent (80%) of the State's predetermined value of each parcel, or the net cost of the parcel, whichever is less. In addition, reimbursement will be made to the Local Government for necessary payments to appraisers, expenses incurred in order to assure good title, and costs associated with the relocation of displaced persons and personal property as well as incidental expenses.
- I. If the Project requires the use of real property to which the Local Government will not hold title, a separate agreement between the owners of the real property and the Local Government must be executed prior to execution of this Agreement. The separate agreement must establish that the Project will be dedicated for public use for a period of not less than 10 (ten) years after completion. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of the Project after completion. The separate agreement must be approved by the State prior to its execution. A copy of the executed agreement shall be provided to the State.

**15. Insurance**

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

**16. Notices**

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

<b>Local Government:</b>	<b>State:</b>
City of Socorro ATTN: City Manager 124 S. Horizon Blvd. Socorro, Texas 79927	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 <sup>th</sup> Street Austin, TX 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this Agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

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**17. Legal Construction**

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

**18. Responsibilities of the Parties**

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

**19. Ownership of Documents**

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data and information prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State, in the format directed by the State, on a monthly basis or as required by the State. The originals shall remain the property of the Local Government.

**20. Compliance with Laws**

The parties to this Agreement shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

**21. Sole Agreement**

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

**22. Cost Principles**

In order to be reimbursed with federal funds, the parties shall comply with the cost principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

**23. Procurement and Property Management Standards**

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.



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**24. Inspection of Books and Records**

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

**25. Civil Rights Compliance**

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

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1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
  2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

**26. Pertinent Non-Discrimination Authorities**

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).

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- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

**27. Disadvantaged Business Enterprise (DBE) Program Requirements**

If federal funds are used:

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State’s federally approved DBE program.
- C. The Local Government shall incorporate into its contracts with subproviders an appropriate DBE goal consistent with the State’s DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each Local Government contract with a subprovider. The Local Government shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State’s DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation’s Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address [http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou\\_attachments.pdf](http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf).
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State’s DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

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<b>District #</b>	<b>24 EL PASO</b>	<b>CFDA Title</b>	<b>Highway Planning and Construction</b>
<b>Code Chart 64 #</b>	<b>39725</b>		
<b>Project Name</b>	<b>Nuevo Hueco Tanks Extension</b>	<b>AFA Not Used For Research &amp; Development</b>	

F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.*

**28. Debarment Certifications**

If federal funds are used, the parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this Agreement shall require any party to a subcontract or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

**29. Lobbying Certification**

If federal funds are used, in executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

<b>TxDOT:</b>		<b>Federal Highway Administration:</b>	
<b>CSJ #</b>	<b>0924-06-607</b>	<b>CFDA No.</b>	<b>20.205</b>
<b>District #</b>	<b>24 EL PASO</b>	<b>CFDA Title</b>	<b>Highway Planning and Construction</b>
<b>Code Chart 64 #</b>	<b>39725</b>		
<b>Project Name</b>	<b>Nuevo Hueco Tanks Extension</b>	<b><i>AFA Not Used For Research &amp; Development</i></b>	

- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### 30. Federal Funding Accountability and Transparency Act Requirements

If federal funds are used, the following requirements apply:

- A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This Agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B. The Local Government agrees that it shall:
1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
  2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
  3. Report the total compensation and names of its top five executives to the State if:
    - i. More than 80% of annual gross revenues are from the federal government, and those revenues are greater than \$25,000,000; and
    - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

### 31. Single Audit Report

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at [singleaudits@txdot.gov](mailto:singleaudits@txdot.gov).
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$ \_\_\_\_\_ expenditure threshold and therefore, are not required to have a single audit performed for FY \_\_\_\_\_."
- D. For each year the Project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above.

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The required annual filing shall extend throughout the life of the Agreement, unless otherwise amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

**32. Signatory Warranty**

Each signatory warrants that the signatory has necessary authority to execute this Agreement on behalf of the entity represented.

Each party is signing this Agreement on the date stated under that party's signature.

**THE STATE OF TEXAS**

**THE LOCAL GOVERNMENT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Kenneth Stewart

Adriana Rodarte

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Typed or Printed Name

Director of Contract Services

City Manager

\_\_\_\_\_  
Typed or Printed Title

\_\_\_\_\_  
Typed or Printed Title

\_\_\_\_\_  
Date

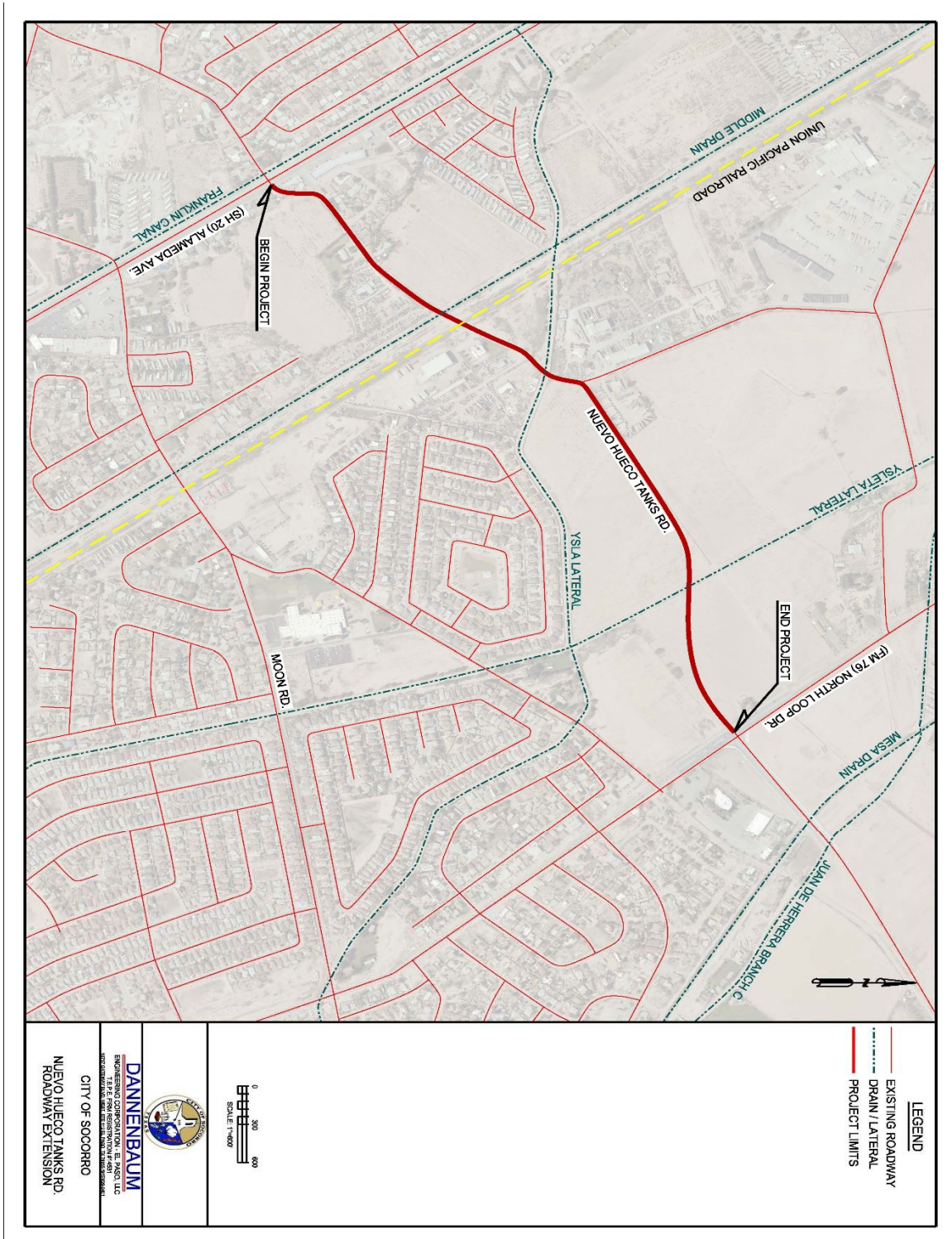
\_\_\_\_\_  
Date

<b>TxDOT:</b>		<b>Federal Highway Administration:</b>	
<b>CSJ #</b>	0924-06-607	<b>CFDA No.</b>	20.205
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<b>Code Chart 64 #</b>	39725		
<b>Project Name</b>	Nuevo Hueco Tanks Extension	<i>AFA Not Used For Research &amp; Development</i>	

**ATTACHMENT A**  
**RESOLUTION, ORDINANCE, OR COMMISSIONERS COURT ORDER**

TxDOT:		Federal Highway Administration:	
CSJ #	0924-06-607	CFDA No.	20.205
District #	24 EL PASO	CFDA Title	Highway Planning and Construction
Code Chart 64 #	39725		
Project Name	Nuevo Huevo Tanks Extension	<i>AFA Not Used For Research &amp; Development</i>	

## ATTACHMENT B LOCATION MAP SHOWING PROJECT





<b>TxDOT:</b>		<b>Federal Highway Administration:</b>	
<b>CSJ #</b>	<b>0924-06-607</b>	<b>CFDA No.</b>	<b>20.205</b>
<b>District #</b>	<b>24 EL PASO</b>	<b>CFDA Title</b>	<b>Highway Planning and Construction</b>
<b>Code Chart 64 #</b>	<b>39725</b>		
<b>Project Name</b>	<b>Nuevo Hueco Tanks Extension</b>	<b>AFA Not Used For Research &amp; Development</b>	

### ATTACHMENT C PROJECT BUDGET

Except for Indirect State Costs, all other costs will be allocated based on 80% Federal funding and 20% Local Government funding until the federal funding reaches the maximum obligated amount. The Local Government will then be responsible for 100% of the costs.

Description	Total Estimated Cost	Federal Participation		State Participation			Local Participation		
		%	Cost	% Before EDC Adj.	% After EDC Adj.	Cost After EDC Adj.	% Before EDC Adj.	% After EDC Adj.	Cost After EDC Adj.
Engineering (by Local Government)	\$3,270,000	80%	\$2,616,000	0%	12.6%	\$412,020	20%	7.4%	\$241,980
Environmental (by Local Government)	\$230,000	80%	\$184,000	0%	12.6%	\$28,980	20%	7.4%	\$17,020
Subtotal	\$3,500,000		\$2,800,000			\$441,000			\$259,000
Environmental Direct State Costs	\$12,250	80%	\$9,800	0%	12.6%	\$1,544	20%	7.4%	\$906
Right of Way Direct State Costs	\$3,500	80%	\$2,800	0%	0%	\$	20%	20%	\$700
Engineering Direct State Costs	\$14,000	80%	\$11,200	0%	12.6%	\$1,764	20%	7.4%	\$1,036
Utility Direct State Costs	\$1,750	80%	\$1,400	0%	0%	\$0	20%	20%	\$350
Construction Direct State Costs	\$3,500	80%	\$2,800	0%	12.6%	\$441	20%	7.4%	\$259
Indirect State Costs	\$158,200	0%	\$0	100%	0%	\$158,200	0%	0%	\$0
<b>TOTAL</b>	<b>\$3,693,200</b>		<b>\$2,828,000</b>			<b>\$602,949</b>			<b>\$262,251</b>

Initial payment by the Local Government to the State: \$2,992

Payment by the Local Government to the State before construction: \$259

Total payment by the Local Government to the State: \$3,251

The total amount of Local Government participation shall not exceed the amount appearing above.

*Elia Garcia*  
Mayor

*Rene Rodriguez*  
At Large

*Cesar Nevarez*  
District 1 / Mayor Pro-Tem



*Ralph Duran*  
District 2

*Victor Perez*  
District 3

*Yvonne Colon - Villalobos*  
District 4

*Adriana Rodarte*  
City Manager

RESOLUTION **X**

The State of Texas  
City of Socorro

ADVANCE FUNDING AGREEMENT  
For  
Surface Transportation Program (STP-MM) Off-System

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50 15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, **City of Socorro**, hereinafter referred to as the Local Government prepared and submitted to the State or Metropolitan Planning Organization (MPO) a project request form for the extension of Nuevo Hueco Tanks Road for consideration, and

WHEREAS, the Texas Transportation Commission passed Minute Order Number 115550 authorizing the State to undertake and complete a highway improvement or other transportation project generally described as the extension of Nuevo Hueco Tanks Road. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project), and

WHEREAS, this project is identified by State Control-Section-Job (CSJ) Number **0924-06-607**; and

**NOW, THEREFORE, BE IT RESOLVED that by the passage of this resolution, the Local Government confirms its agreement with the State to secure all match funding for the approved project; and that all requirements of TAC 43 will be implemented; and that the mayor is authorized to execute the agreement on behalf of the Local Government.**

Approved this the \_\_\_\_ day of \_\_\_\_\_, 2020.

Approved: \_\_\_\_\_

Name: Elia Garcia

Title: Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

Olivia Navarro

City Clerk

*Elia Garcia*  
Mayor

*Rene Rodriguez*  
At Large

*Cesar Nevarez*  
District 1



*Ralph Duran*  
District 2

*Victor Perez*  
District 3 – Mayor Pro Tem

*Yvonne Colon-Villalobos*  
District 4

*Adriana Rodarte*  
City Manager

**DATE: July 16, 2020**

**TO: Mayor and City Council Members**

**FROM: Chief David Burton**

**SUBJECT: Discussion and action on approving the Socorro Police Department Procedure's Manual**

**SUMMARY**

The Socorro Police Department has developed a new Procedure's Manual that has already been vetted by the Texas Police Chief's Association and is a best practices manual. The Procedure's Manual has already been sent to City Attorney and Civil Service who both approved it.

**BACKGROUND**

Attached

**STATEMENT OF THE ISSUE**

The Socorro Police Department would like to have the New Procedure's Manual approved

**FINANCIAL IMPACT**

N/A

**ALTERNATIVE**

N/A

**STAFF RECOMMENDATION**

The Staff is recommending the approval of this item.

**REQUIRED AUTHORIZATION**

1. City Manager \_\_\_\_\_ Date \_\_\_\_\_
2. CFO \_\_\_\_\_ Date \_\_\_\_\_
3. Attorney \_\_\_\_\_ Date \_\_\_\_\_

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<b>Supplemental Material</b>	
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## SOCORRO POLICE DEPARTMENT

### Policy 1.1 Mission, Values, and Written Directive System

Effective Date:

Replaces:

Approved: \_\_\_\_\_ Chief of Police

Reference: TBP 1.04

## I. POLICY

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

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

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

## II. PURPOSE

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

## III. AGENCY MISSION AND VALUES

### A. Mission:

The mission of the Socorro Police Department is to effectively and efficiently provide for the protection of lives and property, preserve the public peace, and provide needed community services with the highest level of professionalism and ethical standards.

### B. Core Values

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

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

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

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

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

#### IV. DEFINITIONS

- A. Policy: A policy is a statement of the Socorro Police Department's philosophy on a given issue.
1. Policies consist of principles and values that guide the performance of Socorro Police Department employees.
  2. Policies are based upon ethics, experience, the law, and the needs of the community.
  3. Each section of this manual begins with a Socorro Police Department policy statement.
  4. Generally, the Chief of Police of the Socorro Police Department determines policy.
- B. Rule: A rule is a specific prohibition or requirement governing the behavior of employees of the Socorro Police Department.
1. Rules permit little, if any, deviation.
  2. The violation of a rule normally results in discipline.
  3. Rules appear in the *Policy and Procedure Manual* as well as other departmental documents.
- C. Procedure: A procedure defines the acceptable method of performing an operation or activity. It differs from a policy in that it directs employees' actions in performing specific tasks in a prescribed manner within the guidelines of policy.
1. Failure to follow a procedure may or may not result in disciplinary action, depending on the circumstances.
  2. Procedures constitute the agency-approved guide to performing tasks.
  3. Employees may depart from procedures only when, in their professional judgment, the situation warrants. Supervisory personnel should be informed about any deviation from procedures.
  4. Employees must be prepared to justify their actions if they decide not to follow the applicable procedure.
- D. Memorandum: A memorandum provides useful, specific information to employees and may constitute a directive affecting specific behavior for a specific event or period of time, and is usually self-canceling.

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


## V. WRITTEN DIRECTIVES

- A. Departmental Policy Manual and Standard Operating Procedures.
  - 1. The policy manual contains policy statements, rules, and procedures as defined above, and is a written directive governing organizational matters.
  - 2. A standard operating procedure (SOP) primarily contains procedures, and is a written directive governing operational matters and routine daily tasks, such as how to respond to alarms, how to book a prisoner, etc.
    - a. Because they contain many procedural statements, SOPs permit some discretion. While SOPs are the preferred method of accomplishing a task, the agency recognizes that an employee may depart from procedures if unusual circumstances warrant, and supervisors approve. Employees must justify their actions and document any departure from a standard operating procedure.
    - b. While suggested SOPs are created by various offices within the Department, the Chief of Police must approve all SOPs before they become operative.
- B. No policy, rule, regulation, procedure, or memorandum is valid unless approved by the Chief of Police or a designee.
- C. Within the context of any directive, the use of the words "shall," "shall" or "will" denote an action or behavior that is mandatory and unequivocal. The words "may" or "can" denote an action or behavior that is discretionary.
- D. Any member of the Department may suggest or recommend changes to the Chief of Police concerning the *Policy Manual* or an SOP by forwarding the suggestion through the chain of command.
- E. The Chief of Police or a designee will completely review the policy manual and the standard operating procedures at least every two (2) years to ensure continued compliance with Texas law and operations. Revisions may be made at any time. Once a revision is approved and published, each employee shall be deemed to be on notice with regards to the current version.

## VI. COMPLIANCE WITH DIRECTIVES

- A. All employees of the Socorro Police Department shall read, adhere to, and are held accountable for all directives, policies, procedures, rules, and instructional training material that they have received and signed for.
- B. All employees are responsible for adherence to all written directives that they have received.

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

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

## I. POLICY

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

## II. PURPOSE

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

## III. AUTHORITY AND AGENCY JURISDICTION

Jurisdiction is the City of Socorro but may extend beyond city limits as covered under the Texas penal code

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

and remaining on scene to provide witness information. (An official map of the city limits will be maintained in each patrol briefing room.)

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

#### **IV. ORGANIZATIONAL STRUCTURE, CHAIN OF COMMAND, AND AUTHORITY**

##### **A. Organizational structure**

1. The City of Socorro charter authorizes the creation of a police department to be headed by a Chief of Police. The Chief of Police is responsible for directing all activities of the Socorro Police 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 Socorro Police Department consists of a police Chief, one lieutenant, three sergeants, and as many 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 on duty/on call Lieutenant shall take command and notify the Chief of all major decisions that he or she may make. If the Chief and Lieutenant are not available, then the highest ranking sergeant or senior patrol officer shall take command until the Chief of Police or Lieutenant 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 Socorro Police Department. Supervisors shall be guided in the assignment of personnel by the number of officers available for duty and the necessity to assign them where they will be most useful.

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

#### C. Authority and responsibility

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

#### D. Authority of the Chief of the Department

1. As the Chief executive of the Department, the Chief of Police has full authority and responsibility for the management, direction, and control of the operation and administration of the Department.
2. The Chief of Police shall attend the initial police training provided by the Law Enforcement Management Institute of Texas as required by the Texas Education Code within 12 months of appointment.
3. The Chief of Police is also the Departmental Homeland Security coordinator and will maintain relationships with the State Homeland Security office and other state and federal Homeland Security resources.

#### E. ORGANIZATIONAL CHART

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

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

#### F. 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 of Socorro 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.

#### **G. AUTHORITY TO CARRY WEAPONS AND USE FORCE**

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 may carry firearms in order to take action when necessary to preserve life and property. When not in uniform, officers will not allow any weapon to be visible to the public unless it is carried in a holster and the officer's badge is displayed adjacent to the weapon.
3. An officer is not to carry any weapon when off-duty if the officer: (1) has consumed or intends to consume any alcoholic beverages; (2) has taken or intends to take any medication that would impair the officer's ability to safely use a firearm or other weapon; or (3) is not able to safely utilize a firearm or other weapon due to illness or the officer's then existing physical or mental state.

#### **H. OFF-DUTY AUTHORITY**

1. Liability Protection: Officers of this agency have liability protection for the on and off-duty performance of official duties. This protection does not extend to those actions that the police officer knew, or reasonably should have known, were in conflict with the law or the established policies of this Department.
2. Authorized Off-Duty Arrests: When off duty and within the legal jurisdiction of this law enforcement agency, an officer may make an arrest only when all of the following occur:
  - a. There is an immediate need to prevent a crime or apprehend a suspect.
  - b. The crime would require a full custodial arrest.
  - c. The arresting officer possesses appropriate police equipment and police identification.
3. Off-Duty Responsibilities: While off duty, the police officer is responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities. When an officer is prohibited from taking off-duty enforcement actions under provisions of this policy, the officer shall act as a trained observer and witness to the offense and shall summon on-duty personnel as soon as reasonably possible. Where an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.
4. Prohibitions of Off-Duty Arrests




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

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

5. Off-duty officers in plain clothes shall follow all orders issued by uniformed officers without question or hesitation during enforcement encounters and shall identify themselves as law enforcement officers as prescribed by departmental training.

#### I. RESERVE OFFICERS

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

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 1.3 Fiscal Management</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b> TBP 1.02, 1.03 and 1.10	

**I. POLICY**

It is the policy of the Socorro 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 policy is to establish procedures for employees making routine and emergency expenditures for goods or services necessary for the efficient operation of the Department.

**III. STATEMENT OF SPECIFIC RESPONSIBILITY**

The Chief of Police, as a Department head of the City of Socorro, Texas, has the authority and responsibility for the fiscal management of the Department and for making all necessary report to the City Manager and other City personnel. All purchasing and other financial activities will be performed in accordance with existing City of Socorro ordinances, policies and procedures as overseen by the Finance Department.

**IV. DEFINITIONS**

- A. Routine Expenditure: Purchases that are budgeted and/or planned for and handled through Finance Department.
- 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 are approved by the Chief of Police.

- C. Petty Cash Expenditure: A purchase of services, supplies, or equipment, necessary for the operation of the Department, in the amount of fifty (\$50) dollars or less. Individuals charged with the management of petty cash funds must give prior approval for any petty cash purchase. Supervisors may approve petty cash expenditures prior to the purchase if the petty cash manager is unavailable.
- D. Purchase Order (P.O.): An authorization from the City of Socorro purchasing office for payment to a vendor for goods or services.
- E. Purchase Order Number (P.O. #): The number assigned by the City of Socorro purchasing office for a specific expenditure. Vendors consider a P.O. # the same as cash, and it must be indicated plainly on all invoices.
- F. Vendor: Any authorized retailer, wholesaler, manufacturer, or other supplier of goods or services to the City of Socorro.
- G. Tax Exemption Certificate: A document provided to vendors by the City of Socorro purchasing office that indicates that purchases made for city use are exempt from state sales tax.
- H. Requisition: The form used to request goods or services.
- I. Finance Department: The authority in the City of Socorro with the responsibility of exercising fiscal control over all expenditures made by city employees.
- J. Payment Authorization Form: The document used in lieu of a purchase order for the following items: (a) freight bills, (b) travel expenses, (c) authorized organization dues, (d) equipment rentals exceeding two months, (e) advertising, (f) purchases from vendors who do not accept purchase orders and require check or cash.

## **V. RESPONSIBILITIES**

- A. The Chief of Police has the ultimate authority, responsibility, and accountability for the fiscal management of the Department.
- B. The Chief of Police prepares the departmental budget with input from the City Manager, Finance Director and supervisors and officers of the Department.
- C. Supervisors are responsible for providing budget requests that contain any necessary documentation for their areas during the budget preparation process.
- D. The Chief of Police is also responsible for at least a monthly review of the 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 Finance Department is responsible for monitoring the suitability of vendors, and the Department will not purchase goods or services from any vendor currently under suspension by the City of Socorro. The Department is required to follow the City of Socorro Purchasing Policy Guidelines. Any questions regarding procedures should be directed to the Finance Department. If there is a conflict between this policy and the Purchasing Policy Guidelines, the provisions of the Purchasing Policy Guidelines control. The decision of the Finance Director or City Manager on purchasing issues shall be considered final.

## **VII. COLLECTION AND DISBURSEMENT OF CASH**

- A. The Police Department does not receive cash or disperse cash. All credit card, cashier's checks, business checks or money orders received will include:
  - 1. A balance sheet or some other system listing the receipt.
  - 2. A listing of received and from whom it was received.
  - 3. Records, receipts, documentation, and invoices showing what was received.
- B. No employee shall accept or disburse cash without prior written authorization of the Chief of Police or designee.
- C. Receipts will be taken to City Hall once a week with all records attached.
- D. Once a month, an account reconciliation will be conducted with the Finance Department.

## **VIII. EMERGENCY EXPENDITURES**

NOTE: Emergency expenditures over \$5,000 require purchasing Department approval.

- A. Any police employee needing to make an emergency expenditure will submit a memorandum through the chain of command that provides the following details:
  - 1. What the expenditure is for.
  - 2. Why the expenditure constitutes an emergency.
  - 3. The cost of the expenditure.
  - 4. Names of three possible vendors if the expenditure is for more than \$50.
- B. The Chief of Police or designee is responsible for:
  - 1. Deciding whether the expenditure is an emergency.
  - 2. Causing the memorandum to be marked "approved" or "disapproved" and initialed.
    - a. If the request is approved, the Chief or designee will cause the bidding of the goods or services requested to be made, awarding the bid to the lowest bidder conforming to specifications and delivery requirements.
    - b. If the request is disapproved, the Chief or designee will 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 vendors request a tax-exempt number, give them the T.I.N. (agency's tax-exempt number).
  3. If the vendor asks for a tax exemption certificate, advise them that you will request the police department's fiscal office to forward a tax-exempt certificate to them on the next business day.
- D. It is the responsibility of the Chief of Police or designee to:
1. Provide to the purchasing department an itemized list of the goods or services obtained, including the total cost.
  2. Obtain a purchase order number and cause it to be added to the report to the purchasing department.
  3. Forward a copy of the report, along with all invoices or receiving slips, including the P.O.#, to the purchasing department.
- E. It is the responsibility of the Chief of Police or designee to prepare a requisition, attaching all invoices or receiving slips, and forward it to the City of Socorro purchasing office and arrange for out-of-pocket cash reimbursements, where applicable, using a payment authorization form with the receipts attached.

## **IX. ROUTINE EXPENDITURES**

- A. It is the responsibility of any police employee needing to make a routine purchase of goods or services to:
1. Obtain approval of a supervisor.
  2. Create an informal memorandum that provides the reason and the type of service or goods to be purchased.
  3. Hand carry the request to the Chief or designee.
  4. Contingent on approval, receive a purchase order number from the Chief or designee.
  5. Arrange for the delivery of goods or services by the vendor.
  6. Return all invoices and/or receiving slips to the fiscal manager on the next business day following the receipt of goods or services.
- B. Prior to approving the request, it is the responsibility of the Chief or designee to secure adequate documentation for the purchase and ensure that budgeted funds are available.
- C. Purchases of items costing more than \$5,000 are made after a requisition for material has been approved by the City of Socorro purchasing office and a purchase order number has been issued in accordance with this policy.
1. The requisition form will be used prior to the purchase except in emergencies.
  2. At least three bids must be taken and documented.

3. When practical, the City of Socorro purchasing office will handle the buying of items needed by the department.
- D. Purchases costing \$5,000 to \$24,999.99 will be purchased on a competitive bid basis. A bid will be awarded to the lowest responsible bidder conforming to specifications and delivery requirements after review by the purchasing office and the issuance of a requisition.
  - E. All purchases of \$25,000 or more will be on a competitive, sealed-bid basis, received by the City of Socorro and referred to the City Council for a decision. Requisitions of or above this amount will be forwarded to the purchasing division at least 21 days prior to the anticipated need of the material. In cases involving automotive equipment, thirty (30) days advance notice is required.
  - F. It is the responsibility of the Chief who authorizes a routine purchase of equipment and later needs to cancel the order to:
    1. Immediately notify the fiscal manager of the desire to cancel.
    2. Route a formal memorandum to the City of Socorro purchasing office.
  - G. Any employee who makes a purchase of \$50 or less, requiring cash reimbursement, will take the receipt to the petty cash custodian for processing. The petty cash custodian has the authority to approve or disapprove all petty cash expenditures in accordance with established practice.
  - H. The petty cash custodian will ensure that the expenditure meets the criteria for use of a payment authorization. If it does, the petty cash custodian will do the following:
    1. Complete the authorization form.
    2. Attach the receipt(s).
    3. Forward the documents to the City of Socorro finance director's office.
    4. Pay the bill or reimburse the employee as indicated.
  - I. The Chief of Police must approve all routine repair and maintenance expenditures over \$100 (one hundred dollars) prior to receipt of the services.

## **X. PROPERTY LOSS AS A RESULT OF POLICE DUTIES**

Note: In no circumstances shall reimbursement exceed \$250.00 for expensive personal items, such as jewelry, dress watches, fashion clothing, and accessories. Otherwise, the criteria for reimbursement will be evaluated based on the criteria below.

- A. It is the responsibility of an employee experiencing a loss of personal property in the line of duty to submit a memorandum that lists the following details:
  1. The circumstances of the incident.
  2. Whether the loss affecting the employee was a result of damaged, lost, or destroyed property.

3. The value of the property with proper documentation including receipts, age, and condition of the item(s) at the time of the loss, and any other information the employee thinks is relevant. The documentation must be such that a reasonable person could 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 make the final determination.
- C. Reimbursement will be made only for items that are normally utilized in the course of police duties, such as:
1. Wristwatches, clothing, footwear, weapons, and any other equipment not supplied by the Department.
  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 footwear. Valuable items of this sort are worn at the employee's own risk.
- D. All employees are expected to maintain care and control of city equipment. Claims for personal items lost, stolen, or damaged will be reviewed as to the circumstances surrounding the loss, including whether or not the employee made every reasonable effort to prevent the loss.


## **XI. AUDITING / ACCOUNTING**

- A. An independent audit of department fiscal affairs is conducted at least annually in connection with the annual city financial audit. After consulting with the Finance Director and the City Manager, he Chief of Police may order an internal audit when it is deemed necessary to assure accountability.
- B. The Chief of Police will cause an inspection of the petty-cash account transactions on a random or required basis. The inspection will include a review of the formal and informal procedures of each area of fiscal management.
- C. The Department's accounting system will include a monthly status report that will be accomplished by the custodian of each account showing:
1. Initial appropriation for each account.
  2. Balance at the commencement of the monthly period.
  3. Expenditures and encumbrances made during the period.
  4. Unencumbered balance at the end of each period.

## **XII. ACCOUNTABILITY OF DEPARTMENTAL CAPITAL EQUIPMENT**

- A. All agency property is inventoried when received. The property custodian will be responsible for issuing agency-owned property to authorized users. This includes recovering said property if required when the employee leaves the Department.
- B. Departmental capital assets are marked with a property tag if the cost of the item is over \$5000.00, or if their use and life span is in excess of three years. All Department firearms, TASERs, in-car computers, desktop computers, and vehicles (whether bought with city funds or acquired through forfeiture actions) are considered capital assets.
- C. The Department will conduct a capital-assets inventory every year and when there is a change in command personnel over a unit or over the entire Department. The results of the inventory will be forward to the Chief of Police for review.



	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 1.4 Inspections and Audits</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP 1.13, 7.25	

**I. POLICY**

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

**II. PURPOSE**

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

**III. DEFINITIONS**

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

**IV. PROCEDURES**

- A. Line Inspections


1. Line inspections shall be conducted by the immediate supervisor of the unit or personnel being inspected.
2. Line inspections shall be accomplished at roll call or at such other times as are appropriate for the type of inspection being conducted.
3. Line inspections shall be conducted at least once per week or at such intervals and times as otherwise directed by departmental policy and the supervisor of the unit concerned.
4. Special line inspections may be ordered at any time by the Chief of Police.
5. Line inspections shall, at a minimum, include an examination of each of the following items that are applicable to that particular unit and that particular type of inspection:
  - a. Personal appearance and personal hygiene of unit personnel
  - b. Proper wearing of uniforms and uniform equipment
  - c. Health, physical fitness, and fitness for duty of unit personnel
  - d. Appearance and maintenance of Department-owned vehicles assigned to or used by that unit
  - e. Unit compliance with departmental policies, regulations, and orders
  - f. Availability and currency of departmental policy and procedure manuals and other departmental publications and documents applicable to that unit
  - g. Physical condition, maintenance, safety, cleanliness, adequacy, and security of the areas, furnishings, and equipment of the portions of the physical plant used by or under the control of that unit
  - h. Such other items as are applicable to the functions of that unit.
6. Inspection Procedure
  - a. Unit supervisors shall conduct informal physical inspections of personnel, equipment, and other items, as directed. Normally no formal written report of line inspections will be required. However, the date of such inspections, items inspected, and condition shall be recorded on a call sheet, and the inspecting supervisor shall document any problems encountered.
  - b. All line inspections shall be conducted in accordance with all appropriate safety precautions.
  - c. Firearms, both individual and Department owned that are used on duty, will be inspected for cleanliness and functionality at least monthly. Firearms and other equipment with the potential for causing injury shall be examined only by persons thoroughly familiar with the item being inspected. Inspection of firearms and other weapons shall be conducted only in a manner consistent with standard safety requirements for the presentation and handling of such weapons.
7. Wherever possible, deficiencies discovered during line inspections shall be corrected immediately by the inspecting supervisor. Where immediate correction is not possible, a re-inspection of the deficient item or personnel shall be conducted at the earliest possible date to ensure that corrective action has been taken.
8. Repeated failure to correct deficiencies shall be reported to the appropriate authority, and action will be taken to compel compliance by the person or unit responsible for the deficiency. Failure to correct deficiencies may be the subject of disciplinary action.

## B. Readiness Inspections

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

#### V. Maintaining Compliance with Texas Law and law enforcement best practices

- A. The Department Training sergeant is responsible for the periodic review of Texas Law and best practices.
- B. The training sergeant will design and implement a system to ensure all continuing compliance requirements are met and provide immediate feedback to the Chief of Police if a continuing compliance issue is not met.
- C. The training sergeant shall provide the Chief of Police with a memorandum at least annually advising the status of Best Practices compliance.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 1.5 Mutual Aid</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: center;">Chief of Police</div>	
	<b>Reference:</b>	

**I. POLICY**

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

**II. PURPOSE**

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

**III. PROCEDURE**

A. Jurisdiction

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

B. Mutual aid

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

#### C. Statewide law enforcement support.


1. The Department is a member of and participates in the use of the Statewide Interdepartmental Radio System (SIRS) and complies with the procedures for its use. A copy of these procedures can be found posted in the Department communications office.
2. The Department participates in the use of the Texas Crime Information Center (TCIC) and complies with the procedures for the use of this exchange. In addition, the

Department participates in the Uniform Crime Reporting system administered by the Texas Department of Public Safety.

3. Some state-owned law enforcement resources may be made available to the Department for special use. These resources, and the state agency to contact, include:
  - a. Special Weapons and Tactics (SWAT) teams, or tactical team.
  - b. Canine teams —DPS. Canine teams, if requested, shall be used only to track, and great caution shall be used in deploying teams in heavily populated or congested areas. Handlers are responsible for compliance with their own agency policies and procedures.
  - c. Helicopter or fixed-wing aircraft: DPS. Normally the Chief of Police requests the use of this equipment in advance from the DPS director. The equipment may be available on an emergency basis.
  - d. Polygraph: DPS
  - e. Riot truck and equipment: DPS.
  - f. Bomb disposal: DPS.

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

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

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 1.6 Departmental Reports</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b>	

## I. POLICY

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

## II. PURPOSE

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

## III. ADMINISTRATIVE REPORTS

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

The annual report is used to determine the following:

1. Personnel allocation
2. Police patrol district boundaries
3. Police staffing levels
4. Statistical information on other related activities and problems.

## IV. POLICE RECORDS

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


## **V. DESTRUCTION AND RETENTION OF RECORDS**

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

## **VI. DEPARTMENTAL FORMS**

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



	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 1.7 Departmental Goals and Objectives</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b>	

**I. POLICY**

The Chief of Police constructs a long-term strategic plan that outlines the organizational goals and objectives over a three to five-year period. The Chief of Policer and the City Council develop this strategic plan with input from the community. Each September, the City Manager will update the strategic plan by eliminating goals that have been accomplished and adding new goals that have been developed.

**II. PURPOSE**


The purpose of this policy is to outline the process used by departmental personnel in the development of departmental goals and objectives.

**III. ANNUAL GOALS AND OBJECTIVES**

- A. Each October, , the Chief of Police will develop annual goals and objectives for the department. This one-year plan will consist of goals that are identified for accomplishment that year plus any additional Department-specific goals that need to be addressed.
- B. The Chief of Police shall forward a report on the accomplishment of the previous year’s goals to the City Manager by the first of November each year.
- C. Any supervisor or officer may offer suggestions as to assist in the identifying departmental goals or objectives for the upcoming year.
- D. Upon completion, the one-year plan is to be distributed to all departmental personnel. It is the responsibility of each supervisor to ensure that all personnel under the supervisor’s command receive the goals, objectives, and strategies of their organizational component.
- E. The Chief of Police reviews semi-annually, with the supervisory staff, the progress in attaining the goals, objectives, and strategies of each organizational component.

#### **IV. INDIVIDUAL PERFORMANCE PLANS**

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

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

## I. POLICY

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

## II. PURPOSE

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

## III. CODE OF ETHICS

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

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

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

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

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

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

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

#### **IV. DEFINITIONS**

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

#### **V. GENERAL DUTIES**

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

## **VI. PERFORMANCE PROHIBITIONS**

- A. As appropriate, disciplinary action may be taken for any of the following reasons:
  - 1. Incompetent or inefficient performance or dereliction of duty.
  - 2. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature that discredits or injures the public. Insubordination includes the direct, tacit, or constructive refusal to do perform assigned work.

3. Mental or physical unfitness for the position that the employee holds.
4. Conviction of a felony or misdemeanor involving conduct amounting to moral turpitude (see III), or a pattern of misconduct as displayed by a series of misdemeanor convictions.
5. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, or any other form of misconduct or negligence of which the employee has knowledge.
6. Failure of a supervisory employee to take corrective action regarding employees under his or her supervision who may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known of the dereliction.

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

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

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

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

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

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

B. Adherence to Departmental Rules. Employees shall abide by all rules adopted by the Civil Service Commission, the City of Socorro’s Employee Handbook, and the Policy and Procedures Manual and other properly issued internal directives of the Police Department.

C. Applicability of Rules. Certain rules may not apply in undercover police assignments specifically authorized by supervisors in accordance with this Policy Manual.

D. Insubordination. Employees shall promptly obey all lawful orders and directions given by supervisors and radio dispatchers. The failure or deliberate refusal of employees to obey such orders shall be deemed insubordination and is prohibited. Flouting the authority of a supervisor by displaying obvious disrespect or by disputing his or her orders shall likewise be deemed insubordination.

- E. Issuance of Unlawful Orders. No commanding or supervisory employee shall knowingly or willfully issue an order that violates a federal or state law, a city ordinance, or a departmental rule or policy.
- F. Obedience to Unjust or Improper Orders. An employee who receives an order he/she believes is unjust or contrary to a departmental General Order or rule must first obey the order and then may appeal the order to the Chief of Police via the proper chain-of-command.
- G. Obedience to Unlawful Orders. No employee is required to obey an order that is contrary to the laws of the United States or the State of Texas or the charter or ordinances of the City of Socorro. An employee who receives an unlawful order shall report in writing the full facts of the incident and any action taken to the Chief of Police via the chain-of-command.
- H. Conflicting Orders. If an employee receives an order that conflicts with one previously given by a supervisor, the employee receiving the order shall respectfully point this out to the supervisor who gave the second order. If the supervisor giving the second order does not change the order in a way that eliminates the conflict, the second order shall stand and shall be the responsibility of the second supervisor.

## **VIII. Attention to Duty**

- A. Performance of Duty. Employees shall be attentive to their duties at all times, and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any departmental rules or procedures manual.
- B. Duty of Supervisors. Supervisors will enforce the rules, regulations, and policies of the Socorro Police Department. They will not permit, or fail to prevent, violations of the law, departmental rules, policies, or procedures. They will report violations of departmental rules, policies, or procedures to their immediate superior without delay. Where possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.
- C. Conduct and Behavior. Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the Department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the Department and shall at all times use sound judgment.
- D. Responsibility to Serve the Public. Employees shall promptly serve the public by providing direction, counsel, and other assistance that does not interfere with the discharge of their duties. They shall make every attempt to respond personally to the inquiry or request for assistance.
- E. Responsibility to Respect the Rights of Others. Employees shall respect the rights of individuals, and shall not engage in discrimination, oppression, or favoritism. Employees shall

maintain a strictly impartial attitude toward all persons with whom they come into contact in an official capacity.

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

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

1. The above shall not be construed to include enforcement of laws of a Class "C" misdemeanor nature or traffic offenses except for breach of the peace, theft, or assault.
2. While off-duty, or in their personal vehicle, officers shall not enforce, or take any police action to enforce Class "C" traffic offenses.

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

I. Reporting for Duty. Employees shall promptly report for duty properly prepared at the time and place required by assignments, training, subpoenas, or orders. Line officers shall remain at their posts or place of assignment until properly relieved by another officer or dismissed by a supervisor. All other officers and employees shall promptly report for duty properly prepared at the time and place required by assignment and shall remain at their post, place of assignment, or otherwise engaged in their duty assignment until having completed their tour of duty as set by established procedures or dismissed by a supervisor. Employees are subject to emergency recall and shall report for duty during emergencies when so notified by a supervisor or the Chief of Police.

J. Exceptional leave. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible. If unable to report to work, employees shall notify the on-duty supervisor at least one hour before reporting time.

K. Remaining Alert to Duty. While on duty or at training, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs which would impact performance of duties, illegal narcotics, or conflicts arising from off-duty employment.

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



- M. Availability While On-duty. Employees while on-duty shall not conceal themselves except for some authorized police purpose. Employees shall keep themselves immediately and readily available at all times while on-duty.
- N. Assistance to Fellow Officers. An officer shall not display cowardice in the line of duty or in any situation where the public or another officer might be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might be impending.
- O. Prompt Response to All Calls. Officers while on-duty shall respond without delay to all calls for police service. Calls shall be answered in compliance with normal safety precautions, traffic laws, and departmental policy.
- P. Duty to Report All Crimes and Incidents. Employees shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations, and police information that come to their attention. Employees shall not conceal, ignore, or distort the facts of such crimes, violations, emergencies, incidents, and information.
- Q. Responsibility to Know Laws and Procedures. Employees shall know the laws and ordinances they are charged with enforcing, all departmental orders and rules, and the duties and procedures governing their specific assignments.
- R. Responsibility to Know Districts and Locations. Officers shall know the location and boundaries of their assigned patrol or work areas. Officers also shall be familiar with the names and general locations of Socorro streets and highways and the names and locations of hospitals and major public buildings.
- S. Keeping Posted on Police Matters. Each day while on-duty and immediately upon returning from an absence, employees shall study and become familiar with the contents of recently issued communications and directives.
- T. Sleeping On-duty. Employees must be alert throughout their tours of duty. Sleeping while on-duty is forbidden.
- U. Assisting Criminal Activity. Employees shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons engaging in criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.
- V. Reading On-duty. Employees shall not read newspapers, books or magazines while on-duty unless a supervisory officer has assigned such reading.
- W. Studying On-duty. Employees shall not, during their regularly assigned working hours, engage in any studying activity that is not directly related to their current job assignments.

- X. **Maintaining Communications.** While officers are on-duty or officially on call, they shall be directly available by normal means of communication, or shall keep their office, headquarters, or supervisors informed of the means by which they may be reached when not immediately available.
- Y. **Reporting Accidents and Injuries.** Employees shall immediately report the following accidents and injuries: all on-duty traffic accidents in which they are involved, all personal injuries received while on-duty, all personal injuries not received while on-duty but which are likely to interfere with performance of assigned duties, all property damage or injuries to other persons that resulted from the performance of assigned duties, and all accidents involving city equipment whether on or off-duty.
- Z. **Report Address and Telephone Number.** Employees shall have a working telephone or other means of communication in case of emergency at their residence, and shall register their correct residence address and telephone number with the Department on the prescribed form. Any change in address or telephone number must be reported immediately.
- AA. **Testifying in Departmental Investigations.** When directed by a competent authority to make a statement or furnish materials relevant to a departmental administrative investigation, officers shall comply with the directive.
- BB. **Carrying of Firearms.** Except for senior staff or as approved by the Chief of Police or established procedures, all officers are required to carry sidearms while on-duty. While off-duty, officers may carry sidearms.
- CC. All weapons carried and used by officers in the performance of their official duties must be departmental issued weapons.

## **IX. Cooperation with Fellow Employees and Agencies**

- A. Respect for Fellow Employees.** Employees shall treat other members of the Department with respect. They shall be courteous, civil, and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language whether spoken directly to a specific individual, a third party, or a social media, or other electronic format.
- B. Interfering with Cases or Operations.** Employees shall not interfere with cases assigned to others. Employees shall not interfere with the work or operations of any unit in the Department or the work or operations of other governmental agencies. Employees against whom a complaint has been made shall not directly or indirectly contact or attempt to contact for any reason, the complainant, witness or any other persons related to the case in an attempt to intimidate or to secure the abandonment or withdrawal of the complaint, charges, or allegations.

## **X. Restrictions on Behavior**

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

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

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

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

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

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

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

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

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

J. Soliciting Business. Employees shall not, while on-duty, solicit subscriptions, sell books, papers, tickets, merchandise, or other items of value nor collect or receive money or items of value for any personal gain to themselves or others. Employees may solicit for projects

related to charitable fundraising, but only when done in a manner not to disrupt the workplace and only with the approval of the Chief of Police.

K. Drinking On-Duty. Employees shall not drink any intoxicating beverages while on-duty.

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

M. Drinking While in Uniform. At no time shall any officer consume alcoholic beverages while in uniform.

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

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

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

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

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

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

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

U. Improper Release of Information. Employees shall not communicate to any person who is not an employee of this Department any information concerning operations, activities, or matters of law enforcement business, the release of which is prohibited by law or which may have an adverse impact on law enforcement operations or officer safety.

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

W. Criticism of the Department. Employees shall neither publicly nor at internal official meetings criticize or ridicule the Department or its policies, city officials or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, bigoted, or unlawful, or if it undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity. Nothing herein is intended to prevent the lawful expression by an employee on a matter of public concern.

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

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

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

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

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

CC. Personal Relationships Prohibited with Certain Persons. Employees shall not become personally involved or develop a personal or social relationship with a victim, suspect, witness,

or defendant while any case is being investigated or prosecuted as a result of such investigation.

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

## **XI. Identification and Recognition**

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

## **XII. Maintenance of Property**

- A. Use of City Property or Service. Officers shall not use or provide any city equipment or service other than for official city business.

Responsibility for City Property. Employees shall be responsible for the proper care and use of Department property and equipment assigned to or used by them and shall promptly report to their supervisors any loss, damage, destruction, or defect therein.

- B. Departmental Vehicles. Employees shall operate Department vehicles and other equipment in such a manner as to reasonably avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the operator shall notify a supervisor immediately. Under no circumstances shall an officer investigate his or her own accident.

- C. Reporting Damage. At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisors, which had not been previously reported. Failure to report damage or defects creates the presumption that the employee inspected the vehicle and found no damage or defects. The employee, in this case, shall be held responsible for the damage.
- D. Responsibility for Private Property. Employees are responsible for protecting private property or equipment that has come into their possession by reason of their office against loss, damage, or destruction.
- E. Care of Quarters. Employees shall keep their offices, lockers, and desks neat, clean, and orderly.
- F. Property and Evidence. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any property or evidence coming into the possession of an employee shall be submitted to the property room prior to the end of shift.
- G. Alteration or Modification of Police Equipment. Officers shall not use any equipment that does not conform to departmental policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no changes, alterations, modifications, or substitutions shall be made to such equipment unless approved by the Chief of Police.

### **XIII. Relationship with Courts and Attorneys**


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

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

#### **XIV. Expectation of Privacy**

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



	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 2.2 Bias Based Policing</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP 2.01	

## I. POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, sexual orientation, national origin, ethnicity, age, religion or other classification protected by law. Respect for diversity and equitable enforcement of the law are essential to our mission.

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

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 maintaining bias-free law enforcement actions and to emphasize the importance of the legal and constitutional guidelines within which we operate.

## III. DEFINITIONS

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

- A. Bias: Prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.

- B. Biased policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, sex, gender, sexual orientation, national origin, ethnicity, age, religion, disability or other classification protected by law. .
- C. Ethnicity: A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.
- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Probable cause: Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
- F. Race: A category of people of a particular descent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.
- G. Racial profiling: A law enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. Reasonable suspicion: Articulable, objective facts that lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."
- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- J. Stop: An investigative detention. The detention of a subject for a brief period of time, based on reasonable suspicion.

#### **IV. PROCEDURES**

##### **A. General responsibilities**

1. Officers are prohibited from engaging in bias-based 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, sex, gender, sexual orientation, national origin, ethnicity, age, religion, disability or other classification protected by law. 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. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative

detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
4. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
  - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
  - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
2. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to Department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
  - a. Personnel shall facilitate an individual's access to other governmental services whenever possible and shall actively provide referrals to other appropriate agencies.
  - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the Department.
3. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.
4. When concluding an encounter, personnel shall thank him or her for cooperating.
5. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
6. All personnel are accountable for their actions. Personnel shall justify their actions when required.

## B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during

the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.

2. Supervisors shall use the disciplinary mechanisms of the Department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors 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

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

## II. COMPLAINTS


- A. The Department shall publish “How to Make a Complaint” brochures and make them available at all city facilities and other public locations throughout the City of Socorro. The Department’s complaint process and its bias-based profiling policy will be posted on the Department’s website. Whenever possible, the media will be used to inform the public of the Department’s policy and complaint process.
- B. Complaints alleging incidents of bias-based profiling will be fully investigated as described under Policy 2.4.
- C. Complainants will be notified of the results of the investigations when the investigation is completed.

## III. 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 by the Chief of Police to the City Manager and City Council annually.

C. The information will also be reported to TCOLE in the required format.



	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 2.3 Sexual or Other Illegal Harassment</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP 2.11	

## I. POLICY

The Socorro Police Department's policy is to provide a professional, businesslike work environment free from all forms of employment discrimination, including incidents of sexual or other forms of illegal harassment, which include color, race, religion, age, and national origin.

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

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

## II. PURPOSE

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

## III. DEFINITIONS

### A. Sexual harassment

The Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Texas Commission on Human Rights Act prohibit discrimination based on color, race, religion, national origin, sex, age and disability. Sexual harassment is a form of sex discrimination. It is defined as follows:

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

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

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

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

Examples of this form of harassment include the following:

- A request for sexual favors, accompanied by implied or overt threats concerning a person's employment status.
- Promise of preferential treatment in terms of benefits or status.
- Granting job favors to those who participate in consensual sexual activity or penalizing those who refuse to participate.
- .

C. Hostile work environment harassment

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

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

#### **IV. PROHIBITED CONDUCT**

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

## **V. PROCEDURES**

### **A. Employee Responsibilities**

1. An employee who believes he or she has been sexually harassed may 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, if the complainant is unable to confront the offender, or the complainant is not comfortable confronting the offender, the complainant shall contact his or her own immediate supervisor. The employee or supervisor shall immediately submit a memorandum to the Chief of Police through the chain of command detailing circumstances. Employees may also report incidents of harassment directly to the Chief of Police, City Manager, or Human Resources Director.  
If a supervisor learns of an incident of harassment, he or she shall report the matter to the Chief of Police even if the victim did not submit a complaint.
2. If the complainant is not an employee of the Department, the complaint shall be investigated according to the procedures set forth in this order and in Policy 2.4.
3. Employees must understand that sexual harassment, as well as other forms of harassment, can become a criminal matter. Allegations of stalking, assault, and sexual assault shall be handled immediately as criminal investigations.



4. Each employee of the Department is responsible for assisting in the prevention of harassment and discrimination by:
  - a. refraining from participation in or encouragement of action that could be perceived as harassment and/or discrimination;
  - b. reporting observed acts of harassment and discrimination to a supervisor, and
  - c. encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
5. Failure of any employee to carry out these responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

B. Supervisor Responsibilities:


1. Although all employees shall be responsible for preventing harassment and/or discrimination, supervisors shall be responsible for:
  - a. advising employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment and discrimination;
  - b. monitoring the work environment on a daily basis for signs that harassment and discrimination may be occurring;
  - c. stopping any observed acts that may be considered harassment and discrimination;
  - d. taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
  - e. utilizing all reasonable means to prevent a prohibited act from occurring when he or she knows or should know that an employee will or may perform such an activity;
  - f. taking immediate action to prevent retaliation towards the complaining party;
  - g. eliminating the hostile work environment where there has been a complaint of harassment and/or discrimination.
2. No supervisor shall make any employment decision that affects the terms, conditions, privileges, or responsibilities of an individual's employment based on that person's race, sex, religion, national origin, color, sexual orientation, age, or disability.
3. If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant.
4. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
5. Any proscribed conduct covered by this policy that comes to the attention of a supervisor shall result in an investigation.
6. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment and discrimination in documenting and filing a complaint.

- C. When an employee reports an allegation of harassment, an internal investigation shall begin immediately.

1. Depending on the circumstances, the Chief of Police in consultation with the Human Resources Director may take action to limit the employee(s) involved from any further work contact with the alleged offender.
  2. The Chief of Police or designee shall conduct an investigation pursuant to the provisions of Policy 2.4.
  3. If the harassment allegation is not resolved to the satisfaction of the complainant, eligible employees may invoke the departmental grievance procedure.
- D. The Chief of Police shall report such allegations to the City Manager and Human Resources Director.

## **VI. TRAINING**

The Department will provide ongoing training on sexual and other unlawful harassment, reporting, and investigation procedures.

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

## I. POLICY

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

## II. PURPOSE

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

## III. PROCEDURES – GENERAL

### A. Receipt of complaints

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

### B. Responsibilities of supervisors

1. Corporals and Sergeants are primarily responsible for enforcing conformance with departmental standards and orders.
2. First-line supervisors shall know the officers in their charge by closely observing their conduct and appearance.

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

#### C. How to make a complaint

A copy of "How to Make a Complaint" brochure will be placed in the public areas of the Department and given to any person requesting information on how to make a complaint.

#### D. Responsibility for handling complaints

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

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

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

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

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

#### F. Disposition of complaints generally

The Chief of Police or his/her designee shall:

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

#### G. Disposition of a serious complaint

1. Allegations of misconduct that might result in discharge, suspension, or demotion, or allegations of criminal charges are serious complaints. The term "serious complaint," in this manual, means that there will be an "internal investigation." Internal investigations examine alleged brutality, gross excesses of legal authority, or allegations involving supervisory or multiple personnel.
2. If a criminal offense is alleged, two separate investigations shall be conducted: a criminal investigation and an administrative or internal investigation. The criminal investigation examines compliance with criminal law while the internal investigation determines compliance with policy and procedure. The Chief of Police will assign these investigations as required.
3. In cases of a serious complaint the Chief of Police shall:
  - a. Determine if the officer complained of should remain on-duty, be relegated to non-contact assignments, or put on administrative leave until the investigation is complete.
  - b. Determine and assign responsibility for the investigation.
  - c. Cause the complaint to be registered and assigned an investigation number in the complaint log.
  - d. Maintain close liaison with the district attorney in investigating alleged criminal conduct. Where liability is at issue, the Chief shall similarly maintain contact with the City of Socorro attorney or legal counsel.
4. All investigations will be completed within 45 days to include the taking of disciplinary action when necessary. If additional time is necessary to conclude the investigation, a request for extension will be presented to the Chief in writing providing justification for the extension. If the Chief agrees to an extension a specific number of days will be approved. A copy of the request for extension will be provided to the involved officer and the original placed in the case file.
5. Upon completion of any investigation, the Chief of Police will notify the complainant in writing of the results of the investigation and any action taken.

#### **IV. INVESTIGATIVE PROCEDURES**

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

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

#### D. Interviews for criminal investigative purposes

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

#### E. Interview for administrative purposes

1. If the Chief of Police wishes to compel an employee to answer questions directly related to his or her official duties, the Chief of Police or designee shall advise the employee of the following:
  - a. You are advised that this is an internal administrative investigation only.
  - b. You will be asked and are required to answer all questions specifically related to the performance of your duties and your fitness for office.
  - c. All questions specifically related to employment must be fully and truthfully answered.
  - d. If you refuse to answer these questions, you can be subject to discipline that can be as much as discharge or removal from office.
  - e. Any answers given are to be used solely for internal administrative purposes and may not be used in any subsequent criminal prosecution should such occur.
  - f. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension, or dismissal.
2. In an interview for solely administrative purposes, no Miranda rights are required.

## V. INVESTIGATIVE TOOLS AND RESOURCES

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

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

B. Photograph and lineup identification procedures

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

C. Financial disclosure statements

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

D. Polygraph

1. All personnel shall be required to submit to a polygraph if ordered to do so by the Chief of Police.




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

## **VI. ADJUDICATION OF COMPLAINTS**

- A. The Chief of Police will classify completed internal affairs investigations under the following headings:
  1. Unfounded - no truth to allegations.
  2. Exonerated - allegations true, but are the result of adherence to departmental policy or procedure. Exonerated complaints will be reviewed by the Chief of Police for consideration of policy revision.
  3. Not sustained - unable to verify the truth of the matter under investigation.
  4. Sustained - allegations are true. Complaints will not be classified as sustained unless the finding is based on facts determined during the investigation.
- B. Completed investigations classified as unfounded, exonerated, or not sustained will be maintained in internal affairs files in the Chief's office. Sustained complaints shall be filed in the individual employee's Department personnel file with a copy in the internal affairs files.
- C. Disciplinary action taken shall be determined by the seriousness of the violation or the extent of injury to the victim, and the officer's prior disciplinary history. It shall be commensurate with the circumstances surrounding the incident, and the employee's service record, including prior sustained complaints, will be considered.
- D. Disciplinary records

1. The Department shall maintain a log of all complaints.
2. The complaints and internal investigative files shall be kept in a secure area and shall be maintained in accordance with state law and City policy.
3. The Chief may direct a periodic audit of complaints to ascertain a need for training or a revision of policy.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 2.5 Employee Disciplinary Process</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b>	

**I. POLICY**

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

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

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

**II. PURPOSE**

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

**III. DEFINITIONS**

- A. Days: The term "days," as used herein, means “workdays provided”; however, if the last day of any time period mentioned is a Saturday, Sunday, or holiday, the time period shall be extended to the next day.
- B. Moral turpitude: An intentional act or behavior displayed in words or actions that violates public morals or the common sense of the community involving but not limited to intent to defraud, intentional dishonesty for personal gain, lying, perjury, subornation of perjury, cheating, bribery, unlawful possession of controlled substances, sexual harassment, unlawful sexual conduct, or excessive use of force.
- C. Relief from duty: An administrative action by a superior whereby a subordinate officer is temporarily relieved from performing his or her duties.
- D. Discipline: The taking of specific actions intended to help train, develop, or modify the actions of an employee. Discipline may be positive (awards and training) or negative (punishment).

**IV. PROCEDURES**

#### A. Positive Reinforcement

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

#### B. Consistency in discipline

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

#### C. Relief from duty

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

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

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

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

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

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

1. A written reprimand, issued by the Chief of Police:
  - a. cautions an employee about poor behavior,
  - b. sets forth the corrected or modified behavior mandated by the Department,
  - c. specifies the penalty in case of recurrent poor behavior.
2. An employee may appeal a written reprimand in writing within ten days of its receipt. The employee may appeal the reprimand to the City Manager, who shall be the final arbiter.  
City Manager

F. Demotion or suspension without pay

1. If the situation warrants, the Chief of Police, in consultation with the City Manager, may demote an employee or suspend without pay.
2. Suspensions without pay will normally apply for a period of up to 15 days, as determined by the Chief of Police in consultation with the City Manager.
3. If an employee becomes a candidate for suspension a second time within one year after the first suspension, the employee may be dismissed.
4. Suspensions resulting from the arrest or criminal investigation of an employee may be indefinite or result in termination.
  - a. Should an employee be arrested or identified as a suspect in any felony, misdemeanor involving violence or moral turpitude, family violence or DWI, he/she shall immediately be placed on administrative leave with pay and an internal investigation shall commence. At the conclusion of the internal investigation the Chief of Police may take appropriate disciplinary action based on the results of the internal investigation, including indefinite suspension or termination.
  - b. An employee who is acquitted of criminal charges may yet be disciplined at the discretion of the Chief of Police or reinstated with full or partial back pay.
5. Any employee suspended for a period five days or longer shall return all Department-owned property. On any suspension, the officer must return to Department custody his or her badge, identification card, and issued firearm.
6. During a suspension, the employee shall not undertake any official duties.
7. Demotion shall be to the next lowest rank. Demotion shall apply only to the sergeant or senior officer.
8. An employee may appeal a suspension within five days of notice. An employee may appeal a suspension through the Chief of Police to the City Manager.
9. All classified non-probationary employees may appeal to the Civil Service Commission any termination, demotion, as well as certain suspensions, which may violate the rights granted the employee by the City of Socorro Civil Service Ordinance. Appeals under the Civil Service Commission rules (Ordinance 186), must be filed with the Human Resources Department within ten (10) days from the date of the alleged violation and must be on a form provided by the Human Resources Director and must clearly state the order complained of and all reason why the employee believes the action violated the employee's rights.

G. Termination

1. Terminations are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the misbehavior.
2. Employees may appeal a dismissal within five days of receipt of notice, and may appeal in accordance with the procedure outlined under Policy 4.7
3. Additionally, the employee may appeal to the Civil Service Commission as set forth in section IV. F. 9. (above).

#### H. Reporting arrests

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

### V. PROGRESSIVE DISCIPLINE


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

### VI. ADMINISTRATION OF SUSPENSIONS, DEMOTIONS, OR DISMISSALS

- A. After an appropriate investigation, should the Chief of Police sustain the allegation and determine that the discipline may be a suspension, demotion, or termination the chief may request review of the investigation by the officer's chain of command to obtain their recommendations for disciplinary action.
- B. Upon receipt of the recommendations, if the Chief of Police believes the discipline should be greater than a written reprimand, the chief shall request that the officer read the written investigation summary and initial each page. The review will take place in the presence of the investigating officer or other staff member. The employee will be allowed to add a written statement to the investigative package stating any arguments with the evidence or investigation process. This statement will be prepared and added to the investigation summary before the employee and the investigating officer leave the review site.
- C. The Chief of Police will meet with the employee and allow the employee to make any statement regarding the evidence or investigation, and review any written statement provided by the employee. The Chief of Police will then have the employee report back after a period of time determined by the Chief.

- D. The Chief of Police will again review the investigation, considering the employee's input and may then decide on the discipline or send the investigation back for further investigation.
- E. The Chief will meet with the employee to inform him or her of his/her decision. The Chief will present the employee with a letter outlining the discipline, the effective date of the discipline, the reason for the discipline, and the employee's appeal rights.
- F. Copies of all investigation reports that indicate disciplinary action and all other disciplinary paperwork will be filed in the employee's personnel file. A copy of the investigation report will be maintained in the internal investigation's files.



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

**I. POLICY**

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

**II. PURPOSE**

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

**III. DEFINITIONS**

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

- D. Preventable Crash or Injury: A crash or injury shall be deemed preventable when the member/operator failed to observe agency policy, procedures, or training, and/or failed to exercise due caution or appropriate defensive driving or trained defensive tactics.

#### **IV. PROCEDURES:**

##### **A. Training**

1. The Department will provide on-going training to all employees on accident and injury prevention. The Annual Analysis of Accidents and Injuries described in Section E of this order shall be reviewed to identify the training needs of the Department.
2. All sworn officers shall complete an defensive driving course or similar at least every three years if their job assignment requires emergency response.
3. All members of the Department who drive city vehicles will complete a defensive driving course within six months of hire.

##### **B. Chief's Office Review**

1. The Chief's Office 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 Chief's Office is responsible for reviewing all aspects of these incidents and identifying causative and/or contributory factors, where possible. The Chief's Office may draw conclusions concerning whether the accident or injury was preventable and will determine discipline or another personnel action.

##### **C. Reporting and Investigating Motor Vehicle Crashes and Injuries.**

1. Unless incapacitated, employees are responsible for immediately notifying communications or their supervisor of any motor vehicle crashes, and any personal injury sustained while on duty. Communications shall notify the on-duty patrol supervisor and the On duty/on call Lieutenant.
2. Supervisors shall be responsible for ensuring that crash investigations are conducted by persons with appropriate traffic investigation training. The supervisor will also conduct an investigation and complete any necessary worker's compensation forms needed for treatment or immediate reporting of an injury.
3. Where feasible, the supervisor, any accident investigators, and the involved officer(s) shall file reports on Departmentally approved forms within 24 hours of a crash or injury occurrence.
4. The supervisor shall prepare a memorandum to the Chief that shall include the following information:
  - a. Details of the accident or injury and contributory factors to the crash or injury.
  - b. Statements of witnesses.

- c. Name and insurance information on involved drivers and others involved in a crash, and the nature/seriousness of injuries and/or property damage.
  - d. A statement as to whether the supervisor believed the member's injury or crash was "preventable" or "non-preventable"—as defined by this policy—with documentation supporting those conclusions.
  - e. Any recommendations that would help prevent similar crashes in the future.
5. The Chief will review the supervisory investigation and make a determination of whether the accident or injury was preventable or non-preventable.
- a. The Chief of Police may order an internal investigation if policy or procedure were violated.

## 6. Appeal Procedures

- a. Officers may appeal findings and recommendations of the Chief of Police regarding preventable crashes or injuries by submitting a written appeal to the Chief of Police within five days of the issuance of its preliminary report. Appeals must be accompanied by a written statement specifying points of disagreement with, or perceived oversights in, board findings, and/or provide additional information not previously considered that may bear on the board's findings and recommendations.
- b. Where uncontested within five days or when otherwise unmodified, the preliminary report of findings of the Chief of Police shall be considered final.
- c. The Chief of Police will notify the employee of his or her decision by memorandum within ten days of receipt of their appeal.


## 7. Remedial Action

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

- a. Members of the Department that have a preventable vehicle crash may be required to undergo additional training, take a defensive driving course, or undergo other corrective measures.
- b. A member of the Department has two or more preventable vehicle crashes within a 12-month period may be placed on non-driving status for a period of six months, in addition to any necessary training.
- c. A member who has three or more preventable vehicle crashes in a 24-month period may be placed in a non-driving status for up to one year.
- d. More than four vehicle crashes in any five- year period may result in termination for failure to perform basic job functions in a safe manner.
- e. Members of the Department who have repeated preventable injuries may be terminated due to inability to perform basic job functions in a safe manner.

- D. Annually the Chief of Police shall conduct an analysis of all department accidents and injuries and make any recommendations for training, equipment, or policy changes needed to reduce employee motor vehicle accidents resulting in property damage and/or personal injuries.



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

## 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, professional and accurate testimony and adhere to court scheduling, preparation, appearance, and testimony guidelines provided herein.

## II. PURPOSE

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

## III. PROCEDURES

### A. Subpoenas

1. All officers shall accept subpoenas and shall appear in the designated place at the time required. Avoidance of service is strictly prohibited, and offending officers are subject to disciplinary action. This agency shall establish a system of accountability for subpoenas from the point of receipt from the court to the point of officer testimony. This includes but is not limited to:
  - a. recording the receipt of subpoenas to include date received, court date and time, defendant's name, officer's name, and date executed and returned to the court;
  - b. recording the service of subpoenas to named officers by shift supervisors or other designated personnel noting dates received, dates served, and dates returned to the court authority;
  - c. ensuring that notification is made as soon as possible to the designated court authority when officers cannot be served in accordance with established time frames or when they cannot appear on the designated court date.

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


#### B. Preparation for Trial

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

#### C. Appearance in Court

1. Officers shall receive compensation for appearance in court during off-duty hours at the rate designated by this agency and in accordance with established means of calculation.
2. Compensation shall be paid only when officers comply with procedures established by this agency for court appearance, including but not limited to supervisory notification/approval and adherence to documentation procedures for overtime pay.
3. Officers who are late for or unable to appear on a court date shall notify the appropriate court authority as soon as possible, providing name, defendant's name, court designation, and reason for absence or tardiness. The reason for absence or tardiness shall be reviewed by the officer's commander and may be referred for disciplinary review.
4. Officers' physical appearance, personal conduct, and manner shall conform to the highest professional police standards.
5. When testifying, officers shall:
  - a. restrict remarks to that which is known or believed to be accurate and truthful.
  - 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, regardless of which attorney is asking questions of you.



	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 2.8 Use of Social Media</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b>	

**I. POLICY**

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

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

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

**II. PURPOSE**

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

**III. DEFINITIONS**

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

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

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

D. Profile: Personal information that a user provides on a social networking site.



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

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

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

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

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

#### **IV. DEPARTMENT SPONSORED SOCIAL MEDIA**

##### A. Requirements for Department Sponsored Public Social Media Sites

1. The City of Socorro Public Information Officer is responsible for the management, posting, and monitoring of the Department's public social media network sites. The Chief of Police, with input from departmental members and the public information officer will determine the extent of the Department's official use of social media platforms. No social media platform will be utilized by the Department without the express approval of the Chief of Police.
2. Each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
3. Where possible, the page(s) should link to the Department's official website.
4. Social media pages shall clearly indicate that they are maintained by the Department and shall have Department contact information prominently displayed.
5. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
6. 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.
7. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department.
8. Pages shall clearly indicate that posted comments will be monitored and that the Department reserves the right to remove any posting.
9. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

##### B. Operation of Department Sponsored Public Social Media Sites

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

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

### C. Uses of Departmental Sponsored Social Media Sites

1. Social media can be used to make time-sensitive notifications related to:
  - a. road closures,
  - b. special events,
  - c. weather emergencies, and
  - d. missing or endangered persons.
2. Social media is a valuable investigative tool and may be used to seek evidence or information about the following:
  - a. missing persons,
  - b. wanted persons,
  - c. gang participation,
  - d. crimes perpetrated online,
  - e. photos or videos of a crime posted by a participant or observer.
3. Social media can be used for community outreach and engagement for the following purposes:
  - a. providing crime prevention tips,
  - b. offering online-reporting opportunities,
  - c. sharing crime maps and data
  - d. soliciting tips about unsolved crimes (e.g., Crime Stoppers, text-a-tip).
4. Social media can be a valuable recruitment mechanism, since many people seeking employment and volunteer positions use the internet to search for opportunities.
5. Background investigations.
  - a. This Department has an obligation to include internet-based content when conducting background investigations of job candidates.

- b. Search methods shall not involve techniques that are a violation of existing law.
- c. Vetting techniques shall be applied uniformly to all candidates.
- d. Every effort must be made to validate internet-based information that is considered during the hiring process.

#### D. Use of Covert Social Media Sites for Investigative Operations

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

### V. PERSONAL USE OF SOCIAL MEDIA

#### A. Precautions and Prohibitions

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

1. Members of the Department may not access social networking or social media sites through the use of departmentally provided information systems unless authorized to do so on behalf of the Department or during the course of an investigation.
2. While on duty, employees may only use personal communications devices to access social networking sites 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.
3. Due to concerns for officer safety and to preserve tactical advantage, the posting of information related to any police response by any officer or an assisting agency is absolutely prohibited without the approval of the Chief of Police.
4. All matters of, by, within, and about Department details regarding calls for service and the customers we interact with are generally considered confidential information that may not be released, blogged about, posted, or otherwise shared outside the Department without prior authorization that has been obtained through an official open- records request, or without the information already being in the public realm [already otherwise released officially].
5. Display of departmental logos, uniforms, uniform patches, or departmental badges on their own or other social media sites is prohibited without written approval of the Chief of Police.
6. Department personnel are free to express themselves as private citizens on matters of public concern on social media sites to the degree that their speech does not impair working relationships of this Department for which loyalty and confidentiality are important, impede the performance of

duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Department.

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

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

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

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

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


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

- a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
- b. Knowingly making false statements that are intended solely to harm the reputation of City of Socorro employees, managers, supervisors, or senior management. However, nothing herein shall impact Employee’s free speech rights and the Employee’s ability to comment on matters of public concern.
- c. Disclosing confidential proprietary information of others, including private and/or personal information (e.g., social security numbers, etc.) related to (a) citizens, detainees or witnesses, and (b) City of Socorro employees, managers, supervisors, or senior management.
- d. Making discriminatory or harassing comments that violate federal or state law and/or would be prohibited by the City of Socorro’s anti-discrimination / anti-harassment policy or otherwise engaging in any conduct prohibited by the City of Socorro’s anti-discrimination / anti-harassment policy.

- e. Making threats of physical injury to any employee, manager, officer, director, or owner, including threats concerning their respective family members or personal property.
  - f. Releasing information without a proper Texas Public Information Act request.
  - g. Disclosing private citizen information unless such information is already in the public domain.
  - h. Posting images, including photographs or drawings, depicting the confidential, personal and/or health-related information of citizens.
  - i. Violating any intellectual property law, such as copyright, trademark, and/or financial disclosure law in a manner that affects the City of Socorro, provided that an employee's non-commercial use of the City of Socorro's name, logo or trademark to identify the City of Socorro is not prohibited; for example, an employee may not use the City of Socorro name or logo to promote his/her "Amway" or other business, but can use it in connection with efforts to change working conditions.
  - j. 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.
  - k. 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.
  - l. Department personnel should be aware that they may be subject to civil litigation for the following:
    - i. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
    - ii. publishing or posting private facts and personal information about someone without that person's permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
    - iii. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose;
    - iv. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
11. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
12. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and never assume that personal information posed on such sites is protected.
13. Department personnel are reminded that the department policies and Code of Conduct applies to on-line activities.
14. There should be no expectation of privacy for items or activities conducted on-line.

## B. Monitoring of Social Media

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

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 3.1 Basic Training Requirements</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: center;">Chief of Police</div>	
	<b>Reference:</b> TBP 1.09, 3.05, 3.06, 3.07, 3.08, 3.09, 3.18, and 8.11.	

## I. POLICY

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

## II. PURPOSE

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

## III. REQUIRED TRAINING

### A. Basic Training

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

### B. Field Training

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

#### C. In-service training

1. All sworn personnel of the Department shall, within each Commission training period as required by law, obtain at least 40 hours of in-service training. In-service instruction may include the following:
  - a. A review of changes or revisions in Texas state law
  - b. Training required by the legislature during each four-year training cycle
  - c. Specialized training required at the direction of the Chief of Police or the Commission based on assignment
  - d. Supervisory training
  - e. Policies and procedures
  - f. Firearms training and qualifications.
2. In each two-year cycle, sworn officers must receive the following training:
  - a. Hands-on arrest and/or defensive tactics training
  - b. Initial or refresher self-aid /buddy aid training.
3. Sworn personnel are responsible for obtaining the training necessary to maintain their license and any special certifications they may hold. The Department will provide officers with the training or provide the time and funding necessary to obtain the training. Much of the required training can be obtained on-line from the Commission website.
4. Reserve officers will meet the same in-service training requirements as regular officers.

#### D. Supervisory training

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

#### E. Civilian personnel

1. All newly appointed civilian personnel will receive the following training from the Chief or his/her designee:
  - a. Orientation to the Department's role, purpose, goals, policies, and procedures
  - b. Working conditions, rules, and regulations
  - c. Responsibilities and rights of employees.
2. Non-sworn dispatchers and dispatch supervisors will complete Commission's basic tele-communicators and TCIC/NCIC full operators training within 90 days of hire date.
3. Records personnel or personnel assigned to records processing will complete a course in Texas state open records and records retention within 90 days of hire.
4. Any non-sworn personnel who have state-required or job-specific training will be provided that training either prior to job assignment or within 90 days of assignment



## **IV. TRAINING EXPECTATIONS**

### **A. Attendance**

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

### **B. Expenses**

With the exception of paper and pencils or pens, all expenses incurred by Department personnel as a result of required training will be reimbursed based on actual expenses (receipts must be provided). If personnel are required to use their personal vehicles they will be reimbursed at the current city mileage rate.

## **V. DEPARTMENTAL TRAINING**

### **A. Performance-based training**

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

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

### **B. Lesson plans**

1. Lesson plans are required for all training courses conducted or sponsored by the department. It is the responsibility of the individual instructor, whether a member of the Department or not, to provide the Chief or his/her designee, with a copy of the lesson plan for approval. A copy of the lesson plan will be maintained along with rosters of personnel attending the training.
2. The lesson plan should include a statement of performance objectives, the content of the training, specification of the appropriate instructional techniques, references, relationship to

the job tasks, responsibilities of the participants for the material taught, and plans for evaluation of the participants. The instructional techniques that might be used include the following:

- a. Conferences (debate, discussion groups, panels and seminars)
- b. Field experiences (field trips, interviews, operational experiences, and observations)
- c. Presentations (lectures, lecture-discussion, lecture-demonstration)
- d. Problem investigations (committee inquiry, critical incidents)
- e. Simulations (case study, simulation, games, and role-playing).

### C. Instructors

1. Instructors for all Department training programs shall:
  - a. Have a minimum of two years law enforcement experience, or
  - b. Have completed a TCOLE instructor's course and be certified as an instructor, or
  - c. Possess a demonstrated skill in an area of instruction, or
  - d. Have knowledge of teaching theories, methods, and practices along with some knowledge of law enforcement practices.
2. Instructors enlisted from outside the Department shall be approved by the Chief or his/her designee. The instructor must have demonstrated skill in his/her area of instruction and comply with requirements for lesson plans as previously stated. Any compensation will be determined by the Chief of Police.
3. Before being allowed to instruct any state-mandated courses at the Department, instructors shall receive, at a minimum, training in:
  - a. Lesson plan development
  - b. Development of performance objectives
  - c. Instructional techniques
  - d. Learning theory
  - e. Testing and evaluation techniques
  - f. Resources.
4. Officers selected and trained as instructors in a particular subject will be expected to teach for a minimum of three years.

## VI. REMEDIAL TRAINING

- A. Remedial training is directed at solving a specific 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, counseling or as otherwise needed at the sole discretion of the Chief of Police.

## VII. TRAINING RECORDS


- A. Training records

1. The Chief of Police, or his/her designee, shall maintain a training record for each employee that includes the following:
  - a. The date of training
  - b. The type and hours of training received
  - c. A copy of any certificate received.

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

Training records for non-sworn members will be maintained separately from those of sworn personnel.

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

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

## I. POLICY

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

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

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

## II. PURPOSE

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

## III. PROCEDURES

### A. Organization and Administration

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

### B. Field Training Program Requirements

1. Newly hired officers, after successful completion of the basic police academy training, are required to complete the field training program prior to being released for full field duty.
2. The sixteen (16) week training period for new officers shall be divided into four phases in which the officer will be rotated to each of the patrol shifts, whenever possible. Each phase has a duration as follows:
  - a. Phase I – Four (4) weeks
  - b. Phase II – Five (5) weeks


- c. Phase III – Five (5) weeks
  - d. Phase IV – Two (2) weeks
  - e. Following the successful completion of the sixteen (16) week field training program, qualified officers shall be evaluated weekly for an additional twelve (12) weeks by their immediate supervisor.
3. Newly hired officers who have at least two years prior service as a sworn officer may complete a more abbreviated field training program, the length and content of which is determined by the field training supervisor.
  4. During the field training program, the new officer shall receive additional training and evaluations in such areas as department policy, procedures, rules, regulations, patrol procedures, first aid, and victim/witness rights, etc., as outlined in the Socorro Police Department Field Training Manual.
    - a. The field training program shall identify the tasks most frequently performed by officers and evaluate the new officer's job performance in those dimensions.
    - b. Standardized evaluation techniques designed to measure the new officer's competency in the required skills, knowledge, and abilities shall be used.
    - c. New officers will be evaluated daily by their field training officer and the evaluation discussed with the new officer. The new officer and the FTO will sign the evaluation and it will be forwarded to the field training supervisor for filing. If the new officer disagrees with any comments or ratings, the new officer may note the disagreement on the form and request review by the field training supervisor.
  5. The field training period may be extended when the performance of the new officer indicates additional training is needed, which would be indicated in the FTO evaluations.
  6. New employees shall be informed of the activities and actions involved in the recognition process as part of their orientation period with the Department.
  7. The field training supervisor will maintain communication with the FTOs for the purpose of assisting with training problems and for conducting end-of- phase evaluations at the end of each of the four training phases. The field training supervisor will maintain responsibility for the training files that contain the FTO evaluations.
  8. All reserve officers are required to successfully complete a structured field training program before the reserve may operate as a solo unit.
  9. Reserve officers are required to complete a minimum of 640 hours of field training divided into the four (4) phases. This minimum 640-hour, four- phase training must be completed within three years of completion of the reserve academy or appointment as a reserve officer. If the reserve officer fails to complete the FTO program within the three-year period without reasonable justification, or if the reserve officer is failing to progress through the field training program due to performance problems, a recommendation of termination will be made by the field training supervisor to the Chief of Police.
  10. Following the successful completion of the minimum 640-hour field training program, solo reserve officers will be evaluated monthly for an additional six months by their immediate supervisor.
  11. The field training period may be extended when the performance of the reserve officer indicates additional training is needed, as indicated in the FTO evaluations.

### C. Field Training Officer Selection and Training

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

#### D. Periodic Program Review

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

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

## POLICY

The Socorro Police Department strives to obtain the best law enforcement officers possible to help achieve the Department's policing goals. To that end, the Department shall practice a regimented, rigorous selection procedure while simultaneously affording equal opportunity to everyone regardless of race, creed, color, sex, national origin, sexual orientation, or age. Additionally, the Department does not discriminate against individuals with a disability who can perform the essential job functions of a police officer, with or without reasonable accommodation. . 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.

### I. PURPOSE

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

### II. DEFINITIONS

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

### III. QUALIFICATIONS FOR EMPLOYMENT

- A. The minimum qualifications that all applicants for the position of police officer must meet include the following:
  1. Age of 21.
  2. High school graduation or GED completion.
  3. Possess a current TCOLE Peace Officer License.
  4. Pass a background investigation that includes the following:

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

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

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

## **V. DISQUALIFIERS FOR EMPLOYMENT**

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

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

## **VI. APPLICATION PROCESS FOR SWORN OFFICERS**

A. The applicant must do the following:

1. Complete a written city application and a personal history statement and submit them to the Human Resources Department for the City of Socorro.
2. Submit a copy of each of the following documents:



- a. Birth certificate
- b. Driver's license
- c. High school diploma or transcript, or GED certificate
- d. Credit report dated no more than 90 days prior
- e. Any college transcripts
- f. Copy of military discharge papers, if any.

## **VII. SELECTION PROCESS FOR SWORN OFFICERS**

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

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

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

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

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

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

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

## **VII. APPLICATION PROCESS FOR NON-SWORN PERSONNEL**

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

1. Complete a written city application and personal history statement and submit them to the Chief of Police.
2. Copies of the following documents will also be submitted:
  - a. Birth certificate
  - b. Driver's license
  - c. High school diploma or transcript, or GED certificate
  - d. Any college transcripts
  - e. Copy of military discharge papers, if any.
3. Arrange with the Chief of Police or designee to take any written test if required and to appear for other selection process steps.

## **VIII. SELECTION PROCESS FOR NON-SWORN PERSONNEL**

A. The Chief of Police will review the application and documents for basic qualifications. If basic qualifications appear to be met and an opening exists, the Chief assigns an officer to conduct a preliminary review of the candidate. If no opening exists, the application will be placed in a file


until there is an opening. When an opening occurs, the applicant may be contacted to determine if he/she is still interested in the position.

- B. The employee assigned to conduct a preliminary review of the applicant shall perform the following:
  - 1. Obtain the applicant's driving record from DPS
  - 2. Have the applicant sign information release forms
  - 3. If the applicant has recently lived outside the county, request records checks through agencies in the applicant's previous communities
  - 4. Obtain an NCIC/TCIC criminal history check
  - 5. Conduct any job-specific testing required, such as a typing test for communications.
  
- C. The Chief of Police will meet with the applicant who best meets the needs of the Department and conduct a detailed interview with the candidate. During the interview, the Chief of Police shall consider the applicant's appearance (for neatness and cleanliness), mannerisms, judgment, maturity, resourcefulness, and compatibility with departmental goals. If the Chief approves, he/she will issue the candidate a conditional offer of employment. A copy will be given to the applicant. The offer of employment is conditional upon the candidate passing:
  - 1. A background investigation
  - 2. A physical if required to fulfill job responsibilities
  - 3. A drug screen exam
  
- D. After a conditional offer of employment is made, the officer assigned to conduct the background investigation may gain additional information from the applicant regarding his or her prior medical problems including any worker's compensation claims and conditions. The officer will then conduct a detailed background investigation in accordance with the Background Investigation Manual. He/she shall also schedule the applicant for the necessary medical testing.
  
- E. The officer conducting the background investigation shall have had training in conducting background investigations or shall conduct the background in compliance with the Background Investigation Manual.
  
- F. Upon completion of all testing and the background investigation, the applicant's file will be returned to the Chief of Police for the final decision.
  
- G. Following a medical examination, an offer of employment may be withdrawn if the applicant cannot perform the core job functions or poses a "direct threat" in the workplace (per EEOC guidelines, "a significant risk of substantial harm to the individual or others that cannot be eliminated or reduced . . . through reasonable accommodation").
  
- H. If the individual is approved for hire, the Chief will make all the necessary arrangements for processing a new employee. If the individual is not selected, a letter will be sent to the applicant advising him or her that the Conditional Offer of Employment has been withdrawn and the reason stated plainly.

## IX. PERSONNEL RECORDS

- A. For each employee, the department maintains a personnel file. This file contains the background investigation package, a copy of all forms completed during the hiring process, all evaluations, disciplinary action amounting to a written reprimand or higher, leave/attendance record, and assignments. The original of the officer's background investigation and all selection materials are sealed in an envelope in this file, which is confidential. All TCOLE required documents are maintained in this file.
- B. The Chief of Police maintains and controls all personnel records. The Department complies with the records retention schedule set by state law and city policy.
- C. Employees may review their records at any reasonable time upon request. The Chief may release a copy of a record from file upon obtaining a signed authorization from the employee.
- D. All personnel records are considered confidential. Supervisory or investigative personnel who have a need to review sensitive information may do so only with the express approval of the Chief of Police.
- E. If the Chief deems it necessary to include derogatory information in a personnel file, he/she shall notify the employee of the fact in writing. The employee may protest the inclusion of such information in writing to the Chief. Probationary employees have no right of protest in such matters.
- F. Personnel records are the permanent property of the Department.
- G. Officers from the Department may terminate employment and seek a lateral hire with another agency. Requests for employment information on these officers shall be referred to the Chief. The Chief shall disclose the employee's performance record consistent with current law.
- H. All records of unsuccessful applicants shall be maintained, including all test results, in a confidential file by the Chief of Police. These records can be released to other law enforcement agencies when requested and a properly executed release form is obtained from the subject of the records.
- I. Photographs of sworn officers shall not be released by the Department to any organization or media outlet, nor shall any be posted on any Department website, or in a publicly displayed Department yearbook or photograph unless the officer has given his or her consent or signed a release to that effect. Exceptions to this prohibition include:
  - 1. If the officer is charged by indictment or information.
  - 2. If the officer is a party in an arbitration process.
  - 3. If the officer's photograph is introduced in judicial proceedings or otherwise ordered to be produced by an appropriate court or legal authority (such as the Texas Attorney General's Office).

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

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 4.2 Appointment and Probation</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> 1.09 and 2.03	

## I. POLICY

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

### PURPOSE

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

## II. PROCEDURES FOR SWORN PERSONNEL

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

- E. The Chief, or designee, shall also assign the new employee to a senior training officer for initial field training. The new employee will work the same hours and days off as the field-training officer.
- F. The new officer must possess a valid Texas peace officer license before performing any law enforcement functions.

### **III. PROCEDURES FOR NON-SWORN PERSONNEL**

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


### **IV. PROBATION**

- A. All new employees of the Department are on probation for a period of one year.
  - 1. Non-sworn personnel are on probation for one year from the date of their employment.
  - 2. All newly hired police officers, including lateral hires, shall be considered on probation for one year from the date of completion and release from field training.
- B. An employee may be released from employment at any time during the probationary period for any reason. Supervisors who believe a probationary employee's job performance is unsatisfactory should provide information about the unsatisfactory performance to the Chief of Police for consideration.
- C. A new employee's supervisor shall rate the new employee using the employee evaluation form at the yearly anniversary dates from employment for non-sworn employees. Sworn officers will be rated as required by the field-training manual during the first year. Two weeks prior to the one-year anniversary, the supervisor shall complete and forward a final evaluation form to the Chief of Police recommending the employee be retained or terminated. If the recommendation is for termination,

the supervisor shall document the specific work- related performance that is deficient. The work performance of each probationary employee shall be evaluated using valid, non-discriminatory procedures.

- D. Prior to the end of the probationary period, the Chief of Police shall review the performance evaluation. The Chief may approve the employee's permanent appointment or discharge him/her for failure of probation.
- E. Probationary employees who wish to protest their performance ratings have no grievance rights except to request an interview with the Chief of Police.



	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 4.3 Career Development, Promotions, and Transfers</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> 4.06 and 4.07	

## I. POLICY

The Department encourages employees to seek opportunities to develop their knowledge, skills, and abilities. Promotions are based on performance, longevity, and the growth of skills through training and experience. Although in a small Department promotion opportunities are rare, the Department promotion process is fair and equitable.

## II. PURPOSE

The purpose of this policy is to establish guidelines for career development of employees, which includes training and promotions.

## III. PROCEDURES

### A. Responsibilities of the Chief of Police

1. Annually, the Chief of Police, or designee, will meet with each employee for career counseling. This counseling shall occur at the same time as the employee's annual performance evaluation. The counseling shall include an examination of the following:
  - a. The employee's performance record
  - b. A review of the training programs applicable to the employee's duties.
2. The Chief shall ensure that at least one Department employee:
  - a. Achieves and maintains certification as a firearms instructor
  - b. Receives advanced instruction in the techniques of evidence collection.
3. All officers shall maintain current first aid/cardiopulmonary resuscitation certifications.
4. The Chief shall ensure the availability of a trained armorer, either through the training of a Department employee, contracting with an armorer in another jurisdiction, or contracting with a private armorer. The armorer shall inspect all firearms and ammunition at least annually for safety, reliability, and function. The armorer shall also repair broken or malfunctioning weapons.
5. The Chief of Police shall ensure that any employee who receives a promotion or a new assignment receives training specific to that position within 12 months of assignment.

## B. Promotions

1. When a vacancy exists for the position of corporal, sergeant, or lieutenant, the Chief shall post an advertisement of the position, the qualifications required, and a description of the selection process to be used. This advertisement must run for a minimum of two weeks prior to any selection process. During that time, officers may request, in writing, consideration for the position.

## C. Eligibility for Promotion. An employee must meet the minimum requirements as listed below to be eligible for promotion to a higher level of responsibility and increased compensation:

1. Corporal: In order to compete for corporal, a candidate must have a minimum of two years police experience and at least two-years' time with the Socorro Police Department.
2. Sergeant: In order to compete for sergeant, a candidate must have a minimum of three years police experience and at least one-years' time in the next lower position.
3. Lieutenant: In order to compete for lieutenant a candidate must have a minimum of five years of police experience, and one year's time in the next lower position.
4. All candidates: Their overall performance evaluation score must be at least satisfactory for the 12 months prior to the promotional examination process.
5. Each candidate must submit a "letter of intent" to the office of the Chief of Police that requests participation and consideration in the promotional selection process.
6. The Chief of Police may go outside the Department to fill ranking positions if circumstances dictate.

## D. Process for Promotions.


1. Add Corporal...
2. Sergeant
  - a. Meet eligibility
  - b. Submit "letter of intent"
  - c. Pass written examination, which requires a score of 70 or over. (The test will be prepared and administered by the City of Socorro Human Resources Department.)
  - d. Each candidate will receive a longevity credit of one-half point for each year of service up to a maximum of five points. If all candidates fail the written exam the process will be opened to the next lower grade and another test given after 30 days.
  - e. Oral review board
    - i. A panel of three police officers and supervisors will comprise the oral board. Members will be from this Department and will hold the rank of sergeant or higher..
    - ii. The oral review board will conduct a structured interview and score the candidates.
  - f. Final ranking

- i. The written exam score will count 70% and the oral board will count 30%. The scores will be combined, and a ranked eligibility list of overall scores will be made and forwarded to the chief.
        - ii. In the event of a tie, the following tiebreakers will be used in the order listed below until the tie is broken.
          - Time in grade.
          - Time with the Department.
          - Higher score on written exam.
      - g. Review by Chief of Police
        - i. The “rule of three” shall apply. As promotions become available, the top three names will be sent to the Chief for consideration. The Chief shall promote candidates in order unless there is justification to pass over a candidate.
        - ii. The Chief of Police may pass over any person on the list if there is a compelling reason to do so, such as poor evaluations or extensive discipline.
      - h. The eligibility list will be valid for one year from the date of the written test.
3. Lieutenant
  - a. Meet eligibility.
  - b. Submit "letter of intent.”
  - c. Pass written examination. The test will be prepared and administered by the City of Socorro human resources Department.
  - d. Each candidate will receive a longevity credit of one-half point for each year of service up to a maximum of five points. Candidates must pass the written exam before they can move to the assessment center.
  - e. The Human Resources Department will run an assessment center. The assessment center will be made up of employees from other departments in the City of Socorro and personnel from other police agencies in the area. The assessment center will score all applicants and forward the results to the Chief of Police.
  - f. Final ranking
    - i. The written exam score will count 70% and the oral board will count 30%. The scores will be combined, and a ranked eligibility list will be made and forwarded to the chief
    - ii. In the event of a tie, the following tiebreakers will be used in the order listed below until the tie is broken.
      - Time in grade.
      - Time with the Department
      - Higher score on written exam.
  - g. Review by Chief of Police
    - i. The “rule of three” shall apply. As promotions become available the top three names will be sent to the Chief for consideration. The Chief shall promote candidates in order from the list unless there is justification to pass over a candidate.

- ii. The Chief of Police may pass over any person on the list if there is a compelling reason to do so, such as poor evaluations or extensive discipline.
  - h. The eligibility list will be valid for one year from the date of the written test.
- 4. Deputy Chief (if created)
  - a. Meet eligibility.
  - b. Submit "letter of intent."
  - c. Review by Chief of Police.
  - d. Deputy Chief is an appointed position and the Chief has latitude in how this position is selected.
  - e. Promotional Probation. The Chief of Police will announce promotions and the effective dates. All promotions are conditional in that the employee must satisfactorily complete a six-month probation period.

#### E. Transfers

1. The Chief may assign or transfer any employee to a different duty when he/she deems that such action will be in the best interests of the Department.
2. Any employee may request a transfer by writing a memorandum to the Chief.
3. Occasionally, some job assignments require minimum assignment periods so that the Department may sufficiently benefit from investments in specialized training or education. Minimum periods of assignment shall be determined by the Chief and specified in a departmental order. The Chief reserves the right to establish minimum and maximum terms of service for selected duty assignments when he/she deems it to be in the best interest of the Department.
4. Officers engaged in undercover assignments are subject to rotation after a period of three years, although they may continue to perform investigative work.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 4.4 Performance Evaluations</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> 4.08 and 4.09	

**I. POLICY**

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

**II. PURPOSE**

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

**III. PROCEDURES**


A. General

1. All employees shall be evaluated using the departmentally approved form.
2. Supervisors will be trained in the evaluation process prior to conducting the evaluations.
3. Personnel shall be rated as having demonstrated unacceptable, acceptable, or superior behavior. The rating is based on and reflects the observations and perceptions of rating personnel.
4. After completion of probation, each officer shall be evaluated annually. Officers who fail to meet acceptable standards may be placed on probation for a period determined by the Chief of Police. Within the probation period, the officer shall receive remedial training in deficient areas, and demonstrate proficiency (or satisfactory improvement) in deficient areas. The training and improved behavior will be documented on the evaluation form.
5. With the exception of probationary employees, all performance evaluations will cover one calendar year and shall be completed, signed by the employee and the rating supervisor, and turned in to the Chief of Police by the end of January each year.

6. All evaluations shall be reviewed with the employee and placed in the employee's personnel file.
7. All newly hired employees and officers in their probationary year shall receive quarterly written evaluations if no significant deficiencies are observed.
8. Officers shall be evaluated formally by their immediate supervisor.
9. Civilians will be evaluated by their respective immediate supervisor.
10. An officer who receives an unsatisfactory rating which he or she perceives to be unjust may appeal to the next level of the chain of command up to the Chief of Police. The officer concerned must rebut the comments or rating in writing and submit the rebuttal through the chain of command.

B. Evaluation of non-sworn employees and supervisors

1. Non-sworn employees shall be evaluated on forms issued by the City of Socorro Human Resources Department.
2. Police Supervisors shall be evaluated by their next level supervisor using the same form that is used for officers. Civilian Supervisors will be evaluated by their respective Lieutenant. Under "comments" the rater shall refer to an attached page that will contain, in narrative form, comments concerning the individual's supervisory performance. The rater shall address, at a minimum, the following points:
  - a. Ability to instill in officers a high regard and respect for community-oriented policing ideals, the rule of law, civil rights, and concern for victims
  - b. Ability to perceive performance weaknesses in his or her officers, conduct remedial training, and document improved proficiency
  - c. Command of patrol techniques, methods, and investigative procedures
  - d. Ability to reprimand, counsel, praise, or otherwise discipline his or her officers
  - e. Ability to take responsibility for the performance of his or her officers.

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

## I. POLICY

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

## II. PURPOSE

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

## III. UNIFORMS AND EQUIPMENT

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

#### **IV. UNIFORMS AND EQUIPMENT PROVIDED BY THE CITY OF SOCORRO**

- A. Uniforms and equipment that are excessively worn or damaged are replaced by the Department. An employee requesting replacement should have the item inspected by his/her supervisor, who will provide written approval for the replacement.
- B. With the written approval of the Chief of Police officers are allowed to purchase additional uniforms and equipment as needed or desired. These items may be purchased from any vendor, but they must comply with current uniform or equipment standards.
- C. Replacement of personally owned uniforms, equipment, or jewelry -- including watches -- that are lost or damaged in the performance of duty shall be limited to a maximum of \$250.00. Replacement will not be allowed in those cases where the employee was negligent in the loss or damage. Officers requesting reimbursement shall forward a memorandum to the Chief of Police through their chain of command citing the item lost or damaged, the circumstances involved, and proof of value of the item or replacement cost.
- D. Uniform items and equipment meeting departmental specifications and provided by individual officers shall include the following:
  - 1. Black or navy-blue undershirts
  - 2. Black or navy-blue socks
  - 3. Footwear, black leather
- E. Uniforms or civilian business attire (coat and tie for men or equivalent for women) shall be worn for all court appearances.

#### **V. PROTECTIVE VESTS**

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

Any officer working in the capacity of a police officer will wear their body armor at all times. Armor may be worn in either an outer carrier, under the uniform shirt, or under the clothing required and worn during a special detail or assignment.

- B. The Chief of Police may grant exceptions to this requirement during periods of extreme heat when temperatures exceed 90 degrees. During such periods, officers working in the field must keep their protective vests where there are immediately accessible and are required to wear them if any contact with the public is expected. The vests may be removed once contact with the public is concluded.
- C. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness. Because dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.



## **VI. REFLECTIVE VESTS**

Agency personnel are issued and shall wear the high-visibility reflective vest as soon as practical when directing traffic or working at the scene of an accident.

## **VII. DEPARTMENTAL APPEARANCE REQUIREMENTS**

### **A. Uniform Employees**

1. When wearing the uniform, employees will be in full uniform, including all items that are integral parts of the uniform. All uniform and accessories must be clean and well pressed. 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-sleeve shirt shall be blue or black in color. Shirt tails will be worn tucked in at all times. Employees wearing a long-sleeved shirt may wear a dark navy or black turtleneck or mock turtleneck during cold weather.
3. Rank Insignia. The Chief will wear a single gold star on each point of the uniform shirt collar. Employees holding the rank of captain will wear ½- inch gold captain's bars (two gold bars) on each collar point ½ inch from the front edge of the collar centered between the neckline and the bottom edge of the collar. Employees holding the rank of lieutenant will wear one ½-inch bar on each collar point ½ inch from the front edge of the collar centered between the neckline and the bottom edge of the collar. Employees holding the rank of sergeant will wear embroidered chevrons approximately ¼ inch below the Department-issued shoulder patch with the single point up.
4. Nameplates. Each employee, regardless of rank, will wear a Departmentally issued nameplate, centered ½ inch above the right shirt pocket seam. The nameplate will have the officer's last name and a first initial or first name. The nameplate for officers holding the rank of sergeant or higher will be gold while those with a rank below sergeant will be silver.
5. Department Shirt Badges. All sworn personnel when in the standard duty uniform will wear their Department badge prominently displayed above the left-shirt pocket.
6. Footwear. Footwear will be solid black and capable of being shined. Officers must wear solid navy blue or black socks if the socks are visible.
7. Officers are authorized to wear baseball style caps only during inclement weather or in conjunction with a utility uniform during specialized assignments or outdoor training. Winter headgear may consist of a navy blue or black knit cap with no visible logos or emblems.

### **B. Award Ribbons or Medals**

Commendation ribbons and medals approved for wear by the Department will be worn, centered, above the nameplate on the uniform shirt, no more than three across and three up, and will be worn in order of importance. The wearing of commendation ribbons and medals is optional for those officers who are recipients of such awards while wearing the

standard duty uniform and while assigned to standard duty assignments. The wearing of commendation ribbons and medals is mandatory for those officers who are recipients of such awards in all formal settings.

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

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

1. Slacks, dress shirts (long or short sleeved), ties (excluding bow ties), socks, shoes, and appropriate headwear.
2. Headwear must be appropriate for business dress attire, and the particular item must have prior approval from the Chief or his/her designee.
3. Business or sports coats are optional unless required for a court appearance or other specific event or task.
4. Socks should coordinate with the pants. White socks are prohibited unless worn with boots that conceal the socks.
5. Footwear should be clean and polished, with heels and toes in good repair. Normal business shoes, including slip-ons (loafers) or lace-ups, are acceptable. Boots are acceptable, provided they are in good taste. Flip-flops are inappropriate.
6. Female business attire will include the previously mentioned clothing and non-revealing blouses, skirts, dresses, and appropriate footwear. Flip-flops are inappropriate.
7. If a sidearm is worn on the waist, the officer's Department badge must be prominently displayed next to the sidearm.
8. Plain-clothes officers may wear a vest or jacket that readily identifies the wearer as a police officer during callouts, specific assignments, or extra-duty assignments when appropriate.
9. Plain-clothes sworn personnel are always required to maintain at least one complete standard uniform in case they are called upon for uniformed duties.

#### D. Special Assignments

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

#### E. Court Attire

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

#### F. Physical Appearance

1. Employees shall maintain their physical appearance in accordance with good taste and professionalism. Hair shall not be dyed, colored, or styled in a manner that would draw

undue attention to the employee. Female employees will apply their makeup tastefully. Male employees shall not appear for work needing a shave or haircut.

2. Hair length

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

3. Mustaches and beards

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

4. Jewelry

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

5. Personal Hygiene

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


6. Tattoos, Body Art, Piercing, or Branding

- a. Tattoos on the arms or legs are permissible. No obscene language, gesture, character, symbol. May be displayed. The chief of police will determine if the tattoo is considered obscene. Full sleeve tattoo designs must be covered with the uniform. The chief of police will determine if a tattoo design represents a sleeve.
- b. While representing the Department in an official capacity, no Department personnel shall exhibit any visible tattoos, body art, piercing, or branding on the facial area, neck, head, or neck. The only acceptable methods for covering tattoos, body art, or branding are with the official uniform or plainclothes apparel. This regulation does not apply to undercover officers when they are, in fact, undercover. With the exception of pierced ears excluding ear plugs which are prohibited, body piercing is not authorized for any agency personnel while representing the Department. Body piercing(s) must be covered by the official

uniform or plainclothes apparel when agency personnel are representing the Department.

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

All employees, reserves, and volunteers are advised that the use of departmental facilities, lockers, vehicles, and any equipment, including computers, telephones, or other electronic devices, is governed by departmental rules and regulations and that there is no expectation of privacy regardless of whether locks, passwords, or privacy settings are employed.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 4.6 Off-Duty Employment</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> 4.05	

## I. POLICY

The Chief of Police must ensure the continued efficiency and effectiveness of the Department while simultaneously reducing or eliminating conflicts of interest. To promote the welfare and good reputation of the Department this order outlines procedures to ensure appropriate, accountable, and reasonable off-duty work.

## II. PURPOSE

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

## III. DEFINITIONS

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

## IV. PROCEDURES

### A. General.

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

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

B. Secondary employment restrictions: conflict of interest.

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

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

1. Employment related to law enforcement shall not exceed 16 hours per day, including on-duty time. For example, an employee working a 10-hour tour may work six hours of off-duty employment on the same day, and an officer on a day off may work 16 hours. For the purpose of computing allowable work time, court appearances constitute on-duty time.
2. Officers will not work any off-duty employment on the same calendar day they call in sick to on-duty employment.
3. Employment related to law enforcement is restricted to the city boundaries unless the officer is working in conjunction with another jurisdiction's regular law enforcement agency and after having been requested to do so by the Chief of Police or a command level law enforcement officer in that jurisdiction.
4. Serving as a recruiter and receiving compensation for procurement of law-enforcement related jobs for other Department employees is prohibited.
5. No employee shall solicit any person or business for the purpose of gaining law enforcement related off-duty employment, and, while on duty, shall not solicit any person or business for the purpose of gaining secondary employment.
6. Except for public school security activities and other employment specifically authorized by the Chief of Police, city-owned vehicles, radios, or other equipment shall not be used while traveling to and from or engaging in law enforcement related off-duty employment.
7. Officers engaged in law enforcement related employment shall be subject to the orders of the on-duty law enforcement supervisor.

D. Administration.

1. Employees must submit a written request to the Chief of Police through the chain of command for any off-duty employment. Employees shall not begin any off-duty work until approval has been granted. The request shall be filed in the employee's personnel file.
  - a. The approved request is subject to periodic review by the Chief of Police. Officers shall communicate any changes in information contained on the form to the Chief of Police as soon as possible.
  - b. The Chief of Police may revoke permission to work off duty if the officer fails to perform adequately on duty or receives disciplinary action. To be eligible for permission to work off duty, officers must be in good standing with the Department.

Continued permission to work off duty is contingent upon remaining in good standing.


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

#### E. Liability, indemnification, insurance

1. All employees who wish permission to engage in law enforcement related employment shall complete the application found at the end of this order. The Chief of Police must grant permission before the employee may work off duty. In addition to the application form, the employee must submit to the Chief of Police a copy of the contract with the off-duty employer. The contract must specify the following:
  - a. The precise nature of the work to be performed
  - b. Hours or schedule of the work to be performed
  - c. What equipment the employee must maintain
  - d. Insurance coverage of the business providing for medical treatment for job-related injuries and indemnification for litigation arising from off-duty employment.

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



	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 4.7 Grievance Procedure</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> 2.08	

## I. POLICY

The Department's goal is to provide fair, equitable, and clearly defined means for the resolution of grievances, to ensure that employees and their supervisors are accorded reasonable opportunity to present the facts bearing on a grievance, and to guarantee the opportunity to exercise the rights set forth in this order. Every employee has the right to fair treatment in all matters arising from employment and to this end each employee has the right to be heard whenever he or she alleges mistreatment. A grievance process that affords employees the opportunity to air a complaint helps reduce dissatisfaction, identifies organizational problems, and improves morale.

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

## II. PURPOSE

The purpose of this order is to establish grievance procedures for departmental employees to resolve disputes or complaints concerning the terms or conditions of employment.

## III. APPLICABILITY

### A. Included

All permanent full-time employees and part-time employees who work at least 20 hours weekly and have been employed continuously for at least six months.

### B. Excluded

1. Probationary employees.
2. An employee who has voluntarily resigned may not have access to the grievance procedure after the effective date of the resignation.

3. An employee who has been removed from employment shall not have access to the grievance procedure except to grieve a removal resulting from a formal discipline, unsatisfactory job performance, or other involuntary separation. NOTE: This grievance must be filed within 10 calendar days of the dismissal date. Any grievance initiated by a permanent employee before voluntary separation from the department may continue to be processed through the grievance procedure.

#### **IV. WHAT IS GRIEVABLE**

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

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

#### **V. WHAT IS NOT GRIEVABLE**

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

- A. Establishment and revision of wages or salaries, position classifications, or general benefits.
- B. Work activity accepted by the employee as a condition of employment, or work activity that may reasonably be expected to be a part of the job content.
- C. The measurement and assessment of work through a performance evaluation except where the employee can show that the evaluation was arbitrary or capricious.
- D. The contents of established personnel policies, orders, and statutes.
- E. Failure to be promoted except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
- F. The methods, means, and personnel by which work activities are to be carried on.

- G. Dismissal, layoff, demotion, or suspension from duties because of lack of work, reduction in the work force, or job abolition.
- H. The non-disciplinary hiring, transfer, assignment, and retention of employees within the agency.
- I. The relief of employees from duties during emergencies.
- J. The City of Socorro's financial, budgetary, accounting, compensation, and organizational policies and procedures.
- K. Oral reprimands, warnings, or written reprimands.
- L. Management of city employees, including the right to determine the duties to be included in a job classification
- M. The right of management to make personnel appointments in accordance with adopted selection policies and techniques.
- N. The right of management 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 when necessitated by lack of funds or reduced workload.
- O. The right of management to establish rules and regulations governing work performance and conduct of performance evaluations
- P. The right of management to transfer and assign employees within the Department; to determine the need for shift operation and rotation of the work week; to assign overtime; to determine job training and career development; and to determine duties or actions in emergencies.

## **VI. PROCEDURES**

### **A. Nature of the grievance**

The grievance should include the following:

1. Specifically, factually, and clearly detail the allegation and the harm done.
2. State that the harm arose from an act, commission, or omission that directly affects the employee's working conditions or employment relationship.
3. State the relief sought that is within the Department's power to grant.

### **B. First management step**

1. The employee shall identify the grievance orally to his/her immediate supervisor in an informal meeting within five calendar days after the event or action that is the basis for the grievance. A grievance alleging discrimination or retaliation by the immediate supervisor

may be initiated with the next-level supervisor, the Chief of Police, the City Manager, or the human resources director.

- a. The supervisor shall give an oral response to the employee within five workdays following the meeting.
  - b. If a resolution is not reached at this point, the employee shall submit a memorandum to the supervisor that outlines the information listed under section A above within five workdays after receipt of the oral response.
2. The supervisor, in turn, shall give the employee a written response within five workdays of receipt of the employee's memorandum.

#### C. Second management step

1. If the employee is not satisfied with the response to the grievance during the first management step, or the status of the complaint as grievable has not been decided, the next step is for the employee to ask the supervisor to present the employee's memorandum to the Chief of Police.
2. The request to submit the grievance to the Chief must be made within five workdays following receipt of the supervisor's reply. If requested within the time period allowed, the supervisor will forward the employee's memorandum and the supervisor's response to the Chief within five workdays.
3. Within five days of receipt, the Chief shall decide whether the issue is grievable within sections IV and V of this order.
  - a. If the issue is not grievable, the employee shall be advised that he or she may appeal to the appropriate court.
  - b. If the issue is grievable, the Chief shall, within 10 days, meet with the employee, the supervisor, and appropriate witnesses and attempt to resolve the grievance.
4. The Chief shall give the employee a second-step response in writing within five work days following the date of the meeting. A copy of both the employee's memorandum and the response from the Chief of Police shall be forwarded to the City Manager for his/her information.


#### D. Third management step

1. If the employee is not satisfied with the response to the grievance during the second management step, or disagrees with the Chief's decision that the issue is not grievable, the employee should then ask the Chief to present the employee's memorandum to the City Manager for review. The request to submit the grievance to the manager must be made within five workdays following receipt of the Chief's reply. If requested within the time period allowed, the Chief will forward the employee's memorandum and his or her response to the City Manager within five days.
2. Within five days of receipt, the City Manager shall decide whether the issue is grievable within sections IV and V of this order.
  - a. If the issue is not grievable, the employee shall be advised that he or she may appeal to the appropriate court.
  - b. If the issue is grievable, then the City Manager shall, within 10 days, take whatever action he or she deems necessary to review the issue.

- c. If the issue involves an appeal of disciplinary action, the City Manager will meet with the employee, any supervisor involved, the Chief of Police, and any other parties who are needed to render a just determination.
3. The City Manager shall give the employee a response in writing within five work days following the determination.
4. A copy of both the employee's memorandum and the response from the City Manager shall be placed in the employee's personnel file.
5. If the employee is appealing a suspension, demotion, or termination and the disciplinary action has been taken by the Chief of Police, the first appeal or grievance step is to notify the City Manager in writing of the desire to appeal. The time limits under the third management step apply.
  - a. In these cases the City Manager will schedule a hearing. The employee as well as the City of Socorro may be represented by counsel. The hearing is informal but both sides are allowed to present witnesses and evidence. The employee or the employee's representative or counsel has the ability to subpoena and call any witnesses and challenge any evidence. The City Manager will, after hearing the witnesses and evidence, make a final decision.
  - b. Any appeal after this decision is to the Civil Service Commission, to the extent the Commission has jurisdiction.

## VII. CIVIL SERVICE COMMISSION APPEALS

- A. All classified non-probationary employees may appeal to the Civil Service Commission any termination, demotion, as well as certain suspensions, which may violate the rights granted the employee by the City of Socorro Civil Service Ordinance.
- B. Appeals under the Civil Service Commission rules (Ordinance 186), must be filed with the Human Resources Department within ten (10) days from the date of the alleged violation and must be on a form provided by the Human Resources Director and must clearly state the order complained of and all reason why the employee believes the action violated the employee's rights.
- C. The Commission will set a hearing date where the employee may, at the employee's own expense, have an attorney present.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 4.8 Reserve Officer Program</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP 3.07 and 7.27	

## I. POLICY

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

## II. PURPOSE

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

## III. RESERVE PROGRAM

### A. Requirements and certification

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

### B. Certification and reserve officer levels

1. Apprentice Reserve Officers. Active reserve police officers who have obtained required peace officer training but have not completed field training.
2. Reserve Officer. Active reserve officers who have successfully completed basic peace officer certification, have completed field training, and hold basic peace officer license.

- a. Reserve officers will be assigned their duties on the reserve schedule by the shift sergeant.
  - b. Reserve officers shall report to the supervisor or ranking officer for assignment duties and/or training.
  - c. The on-duty patrol supervisor may, at his/her discretion, reassign the officer when personnel are required to assist in other areas.
3. "Inactive reserve status" refers to reserve police officers who are no longer able to serve at the minimum required level. Inactive status may be temporary or permanent at the discretion of the reserve patrol sergeant as approved by the Chief of Police.

#### C. Training and Performance Standards

1. Reserve police officers serve at the discretion of the Chief of Police and may be called into service at any time the chief or his designee considers it necessary to have additional officers.
2. Reserve police officers shall be considered "on duty" when they are
  - a. performing "assigned duty"
  - b. representing or identifying himself/herself as a peace officer for the purpose of taking enforcement action or discharging legal duties.
3. All reserve police officers must serve a minimum of 8 hours of duty per calendar month. Officers who are unable to meet this requirement must submit a written request through the chain of command to the Chief of Police for an approved leave of absence.
4. Depending on the level of training and experience, reserve officers may perform the same duties as other full-time, sworn personnel or be assigned to work with a regular officer.
5. All reserve police officers are subject to the same rules, regulations, and orders as regular sworn personnel.
6. All reserve police officers must successfully complete the basic and intermediate reserve officer course required by TCOLE and obtain their license as a peace officer.
7. All active reserve police officers must successfully complete the police training officer program under the supervision and evaluation of a departmentally approved field training officer. Upon the successful completion of training, reserve officers will assume duties as designated by the reserve commander.
8. For training and evaluation purposes, all active reserve officers will work one tour of duty with a field training officer within the first six months of each calendar year.
9. All reserve officers will be required to attend periodic Department in-service training to complete the following:
  - a. The same training as required of regular sworn officers including courses mandated by TCOLE for certification requirements;
  - b. All departmentally required qualifications on firearms, the baton, and any other equipment deemed necessary.
10. Reserve officers will only carry a weapon when on-duty or performing assigned duties, unless the officer possesses a valid License to Carry a Handgun issued by DPS.


#### D. Chain-of-Command and Operations

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

#### E. Organizational Function

- 1.The primary function of reserve police officers will be to supplement patrol operations personnel.
- 2.Additionally, reserve officers will be on call for assistance in emergency situations such as disasters, riots, etc., and to provide additional manpower for special enforcement assignments.
- 3.All reserve police officer assignments will be coordinated through the office of the captain of the patrol division.
- 4.Reserve officers may, at the discretion of the Chief of Police, be assigned to other functions within the department depending on the skills and experience of each individual.
- 5.Reserve Officers are not permitted to carry weapons off-duty, unless the officer possesses a valid License to Carry a Handgun issued by DPS.



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

## I. POLICY

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

## II. PURPOSE

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

## III. RECORDS SECURITY

- A. The police records unit is housed in a restricted area. Personnel assigned to the records unit are directly supervised by the records supervisor who reports directly to the Chief of Police.
- B. The records supervisor is responsible for maintenance of department records and will be provided training in Law Enforcement Records Management and the Texas Public Information Act.
- C. The records supervisor is responsible for working with the City Clerk, who has overall responsibility for responding to Texas Public Information Act requests.
- D. Access to the police records unit is restricted to assigned records personnel only. Entry by unauthorized personnel is prohibited.
- E. The records unit will be secured and locked when it is not staffed by assigned records personnel.
- F. Personnel authorized by the records supervisor or the Chief of Police may have access to the records unit after hours for need-to-know information only. Authorization may be granted to shift supervisors and shift commanders only.
- G. When entry has been made by authorized personnel, written notification to the records supervisor will be made within 24 hours of the entry. Written notification must state the date entry was made, time entry was made, why entry was made, and what records were accessed and by whom.

#### IV. RECORDING OF INCIDENTS BY CATEGORY

A. In order to develop a comprehensive reporting system, it is necessary to record actions taken by law enforcement personnel whether in response to a request for service or for self-initiated actions. Each reported incident occurring within the department's service area will be categorized as one of the following and will receive a sequential incident or case number:

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

#### B. Assignment of Case Numbers

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

#### C. Officer's Responsibilities

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

#### D. Master Name Index

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

#### E. Juvenile Records

1. A file is maintained on each juvenile (ages 10 to under 17) arrested, referred, or detained by an officer. Each juvenile is assigned a single "J" number. The file includes all documents associated with the contact as indicated in this section, as well as a running list of the juvenile's detentions and dispositions.
2. State and federal laws require that juvenile files be kept separate from adult files.
3. Juvenile fingerprints and photographs, if any, will be turned over to the Juvenile Probation Department intake officer.
4. Police records will not maintain fingerprints or photographs of juveniles. Should fingerprints or photographs be turned over to police records they will be destroyed as specified in the Family Code sections 58.001 and 58.002.

#### F. Computerized Criminal History Information

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

### **V. REPORT NUMBER AUDIT AND REPORT STATUS**

- A. The records supervisor will run a computer printout and audit daily to ensure that all reports have been turned in to the records department. As documents are received the reports will be placed in numerical order by service number.
- B. When a report has not been turned in within three days of the incident, a printout of the audit report is made and one copy kept for follow up. The officer responsible for the report will be identified and

the audit report will be sent to the officer for response. Follow-ups for missing reports will be made daily until all missing reports are accounted for.

- C. When a report has not been received within 72 hours after the end of the shift on which the call was taken, a missing-report notice will be sent to the officer, the officer's supervisor, and the Chief of Police.

## **VI. DISTRIBUTION OF REPORTS AND RECORDS**

- A. After reviewing the reports for completeness, the patrol supervisor will forward all reports and citations to the records unit.
- B. All offense/incident reports will then be copied, and the copies forwarded to the appropriate section within the department, such as investigations, traffic, etc.
- C. Originals are maintained in the records unit.
- D. All corrections or amendments to an original report are made by supplement and not by changing the original report. Supplementary reports will be sent to the records unit whenever additional information is processed.
- E. Citations are entered into the computer system and forwarded to the municipal court.
- F. Field interview cards are forwarded to and maintained on file by the Criminal Investigation Bureau.

## **VII. RECORDS RETENTION AND DESTRUCTION**

- A. Records will be retained in the records unit as specified in this policy until they are purged or destroyed in accordance with the approved City Records Retention Policy and any court orders requiring them to be expunged.
- B. Accident Reports: Files will be maintained in numerical order by month in the records office. A copy of each accident report will be kept for two years, at which point they will be destroyed. 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 do not have a limitations period -- they can be prosecuted at any time -- 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 be based solely on a calculation of the number of years from the date of the offense. Careful consideration will be given to these circumstances during the records retention process.
- D. All Other Information Reports: The originals of miscellaneous incident reports will be kept for an indefinite period of time, and they will be kept in numerical order just 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. If no such order is obtained, adult arrest files will be kept until there is a report of the death of the arrestee or for a period of 75 years.

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, like all files, are kept secure from unauthorized disclosure.
2. Persons may have their juvenile records sealed (not destroyed) by court order as specified in Family Code section 58.003.
3. A court may order destruction of juvenile detention files as specified in Family Code section 58.006.
4. Arrest report files on juveniles who were referred to juvenile court may be purged after the person reaches the age of 23.
5. Arrest report files on juveniles who were not referred to the juvenile court may be purged after the person reaches the age of 18.
6. As specified in Chapter 58 of the Family Code, police records will not maintain fingerprints or photographs of juveniles because the juvenile was detained by police or suspected of a criminal offense. Fingerprints and photographs taken as part of the juvenile intake process will be turned over to juvenile probation department officials. Should it happen that fingerprints or photographs have been turned over to police records, they will be destroyed as specified in Family Code sections 58.001 and 58.002.
7. Any juvenile records that are in a gang or criminal street gang intelligence file will be maintained, managed, and removed pursuant to the Texas Code of Criminal Procedure Articles 61.04 and 61.07.


G. Destruction of files and records will be done by shredding, burning, or other means of destruction approved by the police records supervisor and the City Clerk for the City of Socorro when documents have been held beyond the required period under the City of Socorro's record retention schedule.

## **VIII. UNIFORM CRIME REPORT (UCR)/ NIBRS REPORT AND RELEASE OF RECORDS**

- A. It is the responsibility of the records supervisor to complete the monthly UCR/NIBRS and department crime report in a timely manner.
- B. The records supervisor must read and be familiar with the UCR/NIBRS handbook, including all UCR/NIBRS reporting standards.
- C. The records supervisor must perform several audit checks for each crime reported.
- D. The Texas Public Information Act governs release of information reported to law enforcement agencies. The City Clerk for the City of Socorro has primary responsibility for handling Texas Public Information Act requests. The City Clerk is authorized to seek legal assistance in handling

of such requests and opinion letters are often sought from the Texas Attorney General's office. Great care must be utilized in the release of any information under the Texas Public Information Act.

- E. Any request for information contained in any report made or compiled by the department is to be referred to the records unit.
- F. All arrest files maintained in the records files and the computer will be the responsibility of the records supervisor. Copies of files will be released only to the following authorized persons:
  - 1. Personnel of this Department
  - 2. Sworn officers from other agencies upon written request
  - 3. Courts of law under proper process
  - 4. District attorneys
  - 5. Federal law enforcement agencies
  - 6. Probation departments
  - 7. Military personnel with a written request and signed waiver of the named person. Copies of waivers will be kept for a period of three (3) years.
- G. Juvenile arrest information is closed to public information requests and will not be released without a court order or signed waiver from the juvenile and a parent or guardian.
- H. Original reports will be released only to members of this Department. Every release will be documented in the records check-out log, showing the date, name, file name and number, and the name of the clerk releasing the files. A copy of the report will be made prior to release of any original report. Upon the return of original records, the records clerk will review the contents of the return against the "check-out log," checking for discrepancies. The records clerk will note who returned the files, as well as the date and time. If there are no discrepancies in the contents of the records being checked in, the receiving person will initial the "check-out log" and return the record to its original file location.
- I. Records personnel will respond to all requests from the courts for original records. A complete copy of the requested records will be made before they are removed from the original records unit.
- J. Any individual may request a "clearance letter" for a number of purposes, such as travel visas and adoptions. Such a letter must be submitted to records personnel along with at least two pieces of identification, one of which must include a photo. Records personnel will check local records only. Records personnel will prepare a "To Whom It May Concern" letter indicating that no criminal record has been recorded in the City of Socorro. The individual makes state or federal criminal history inquiries directly to those agencies.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 5.2 Media and Public Information</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP 5.03 and 5.04	

**I. POLICY**

This agency must have the support of the community to be successful. Establishing and maintaining an effective relationship with the news media is crucial to accomplishing this goal. A positive working relationship with the media is mutually beneficial. It shall be the policy of this agency to cooperate with the news media and to maintain an atmosphere of open communication, with the express understanding that proper processes must be utilized to protect confidential and other protected information. To this end, information shall be released to the news media in accordance with the law and in an impartial, accurate, and timely fashion.

**II. PURPOSE**

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

**III. RESPONSIBILITIES IN RELEASING INFORMATION**

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

**IV. TRAINING**

This agency is committed to providing proper training for its public information officer. Supervisors, line officers, and other personnel who interact with the media shall also be provided appropriate training in media relations and the Texas Public Information Act.

## V. PROCEDURES

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

1. During normal business hours, media inquiries shall be directed to the Chief of Police.
2. No employee shall release any information that would jeopardize an active investigation, prejudice an accused person's right to a fair trial, or violate the law.
3. The Chief of Police or PIO shall be responsible for assisting the news media by conducting interviews or coordinating interviews with other qualified agency personnel.
4. Employees contacted directly by the media requesting an interview shall notify the Chief.
5. All conversations with members of the news media should be considered "on the record" and subject to being quoted.
6. The media is required to make appropriate Texas Public Information Act requests through the City Clerk for the City of Socorro when documents are sought.

B. News Releases

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

C. Access to Crime Scenes and Critical Incidents

1. Agency personnel shall be courteous to news media representatives at crime and critical-incident scenes.
2. At such scenes, agency personnel shall ensure that the media respect the established perimeter.
3. In general, members of the media shall receive no more and no less access to an incident scene than members of the general public. However, the Chief or PIO designee may allow news personnel and their equipment closer access to a crime or critical-incident scene so long as the degree of closeness does not interfere with law enforcement operations.
4. No member of this agency shall prohibit the media from news-gathering practices, including photography and interviews, outside the established perimeter of a crime scene or critical-incident scene.
5. News media representatives shall not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration, the scene commander shall advise the media representative of the danger and allow the media representative to make the decision to enter on his or her volition.
6. Only the Chief or scene commander shall release information to the news media at crime and critical incident scenes.



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

D. Access to Suspects

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

E. Joint Investigations or Operations Involving Another Agency

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


## **VI. INFORMATION RELEASE GUIDELINES**

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

3. Active criminal investigative information, active criminal intelligence information, and surveillance techniques
4. Names of informants and information provided by them
5. Supplemental or investigative reports until such time as the case is closed or the lead investigator deems it permissible
6. Grand jury testimony and proceedings
7. Active internal affairs investigations, as governed by state law
8. Names of witnesses, unless required by state law
9. The identity of critically injured or deceased persons prior to notification of next-of-kin
10. Home address, telephone numbers, and familial information of law enforcement personnel
11. Names of undercover personnel
12. Any other information that could jeopardize the successful conclusion of an investigative and prosecution
13. Any other information prohibited by state law from public disclosure.

**VII. SOCIAL MEDIA SITES**

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

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 5.3 Computer and Electronic Equipment Usage and Data Security</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b>	

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

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

**III. DEFINITIONS**

- A. Network Terminals: Desktops, laptops, or any other electronic devices that connect to the Department’s internal computer network.
- B. Mobile Digital Computers (MDC): In-vehicle computers or any other electronic devices that in some manner connect to the Internet, department computer networks, or other service, such as TCIC, that provides officers with data or allows officers to conduct field reporting or communications with other officers or the department.
- C. Mobile Phones: Either department owned or personally owned cell phones or smart phones.
- D. Body Cameras / Digital Media Recorders (DMR): Video/Audio recordings made via a camera system that is worn by police personnel.
- E. Mobile Video Recording: In-vehicle camera systems that are permanently mounted in department vehicles.
- F. Digital Media Recorder (DMR): Officer-worn digital audio or video recording device.
- G. Digital Camera: A single-purpose, handheld camera designed to take digital photographs.
- H. License Plate Reader: Vehicle-mounted or handheld digital camera system that identifies and captures license plate numbers and locations.

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

**A. General Provisions**

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

**B. General Prohibitions**

1. Employees will not release, share, or make copies of any electronic documents, reports, audio or video recordings, images, emails, voice communications, or any other form of electronic data created while on or off duty that is directly related to official department operations or investigations, whether created on personal or department-owned equipment. With the exception of official requests (internal and from other law enforcement or prosecutorial agencies) associated with official department operations, requests for information and documents must be processed through proper Texas Public Information Act requests.
2. Employees will not use department-owned equipment, electronic or otherwise, for personal benefit or to conduct personal business.
3. Employees are allowed to access the internet for personal use during meal and other breaks as long as the sites accessed are appropriate for public viewing.
4. No video games will be played on department equipment.
5. No inappropriate websites will be visited.
6. Inappropriate use of electronic devices or the release or posting on the internet or various social media sites of another party's private information, or governmental information usually deemed private can lead to internal investigations and subsequent disciplinary action.
7. An officer can be questioned about his/her internet activities by defense counsels in criminal trials, potentially damaging the officer's credibility as a witness.

## **V. DEPARTMENT NETWORK TERMINALS**

### **A. Security**

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

### **B. Required Access**

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

## **VI. MOBILE DIGITAL TERMINALS / COMPUTERS – MDT/MD**

- A. The Mobile Data Terminal/Computer (MDT/MDC) is a part of the radio system, which uses frequencies licensed by the FCC. Rules concerning proper radio procedures also apply to use of the MDT.
- B. Messages (1) will not be personal, (2) will not contain derogatory references to other persons or agencies, and (3) will not contain any text that a reasonable person would find offensive.
- C. Using the MDT/MDC, field officers may signal (1) receipt of a call for service, (2) arrival at the scene of a call, (3) request for assistance, and (4) clear from a call, but they shall also do so by voice communications so that other field units and supervisors will be kept aware of ongoing operations.
- D. Because messages sent with the CAD/MDT system slow the system's response time, only concise, work-related messages may be transmitted. Personnel are urged to use abbreviations to help keep the messages brief.
- E. There is NO EXPECTATION of privacy concerning sending or receiving messages via the CAD/MDT system.
- F. Except in emergency situations or in single-key response to dispatched calls or enquiries, the driver of the vehicle will not utilize the MDT/MDC keyboard while the vehicle is in motion. Drivers will pull to a safe location before utilizing the keyboard.

## **VII. MOBILE VIDEO RECORDING SYSTEMS**

- A. The use of a Mobile Video Recording (MVR) system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Such evidence is often used in court cases, and can help in determining the guilt or innocence of accused people.

- B. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the MVR and the integrity of evidence and related video documentation.
- C. General Procedures
1. It shall be the responsibility of this department to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations.
  2. MVR equipment shall automatically activate when emergency equipment (lights) or a wireless transmitter is operating.
  3. The system may also be activated manually from the control panel affixed to the interior of the vehicle.
  4. Placement and operation of system components within the vehicle shall be based on officer safety requirements.
  5. All officers shall successfully complete this department's approved course of instruction prior to being deployed with MVR systems in operational settings.
  6. Inspection and general maintenance of MVR equipment installed in departmental vehicles shall be the responsibility of the officer assigned to the vehicle.
  7. Prior to beginning each shift, the assigned officer shall perform an inspection to ensure that the MVR is performing in accordance with the manufacturer's recommendations covering the following matters:
    - a. Remote activation of system via transmitter
    - b. Windshield and camera lens free of debris
    - c. Camera facing intended direction
    - d. Recording mechanism capturing both audio and video information, that is, the system plays back both audio and video tracks.
    - e. Logging into the system with the flash drive to personalize the recording.
  8. Malfunctions, damage, or theft of in-car camera equipment shall be reported to the immediate supervisor prior to placing the unit into service.
  9. Mandatory Use:
    - a. All official contacts whether on a call or officer initiated
    - b. Traffic stops (to include, but not limited to, traffic violations stranded motorist assistance, and all crime-interdiction stops)
    - c. Priority responses
    - d. Vehicle pursuits
    - e. Prisoner transports
  10. When the MVR is activated, officers shall ensure that the audio portion is also activated so that all events are properly documented. Officers are encouraged to narrate events using the audio recording, which will provide the best documentation for pretrial and courtroom.
  11. Officers using the 900 MHz digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
  12. When officers park patrol units in their designated parking place, the MVR downloads automatically to the server and is maintained by the lieutenant.
  13. Officers shall not erase, alter, reuse, modify, or tamper with MVR recordings.
  14. Only a supervisor may erase what is on a tape and reissue it and may do so only pursuant to the provisions of this policy.
  15. When the MVR is activated to document an event, it shall not be deactivated until one of the following has occurred:
    - a. the event has been concluded

- b. the incident or event is of such duration that the MVR may be deactivated to conserve recording times
  - c. the officer decides that deactivation will not result in the loss of critical documentary information
  - d. the intention to stop the recording has been noted by the officer either verbally or in a written notation.
16. Supervisor Responsibilities
- a. Supervisors shall issue each officer a personalized flash drive.
  - b. When an incident arises that requires the immediate retrieval of the recorded media (e.g., at serious crime scenes, departmental shootings, or departmental accidents), a supervisor shall respond to the scene and ensure that the crime scene investigator removes the recorded material.
  - c. The technician or investigator shall then place the media into evidence and provide copies to authorized investigative personnel.
  - d. The technician shall ensure that the appropriate notation is made in the chain-of-custody log.
  - e. All recordings are maintained on the server.
  - f. The supervisor shall periodically check the disk printer to ensure recordings are being downloaded.
  - g. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.
  - h. Supervisors shall conduct periodic reviews of officer-assigned media in order to periodically assess officer performance.
  - i. Supervisors will assure proper functioning of MVR equipment and determine if MVR equipment is being operated properly.
  - j. Supervisors will identify recordings that may be appropriate for training.
  - k. Supervisors shall conduct bi-weekly reviews of personnel who are newly assigned MVR equipment in order to ensure compliance with departmental policy.
  - l. Supervisors shall conduct quarterly reviews.
    - i. Minor infractions (not criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions.
    - ii. Should the behavior or action persist after it has been informally addressed, the appropriate disciplinary or corrective action shall be taken.
  - m. Supervisors shall ensure that adequate recording media is on hand and available for issuance
17. Technicians' Responsibilities
- a. A designated officer or other employee shall be responsible for the ordering, issuance, retrieval, storage, erasing, and duplication of all recorded media.
  - b. Recorded media may only be degaussed/erased pursuant to a court order, or in accordance with established retention guidelines of at least 90 days.

## VIII. MOBILE TELEPHONES

### A. Department Issued Cell Phones

1. Cell phones are issued by the department to increase the level of communication between field officers and the department as well as citizens.
2. Cell phones are to be used for appropriate departmental activities only.

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

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

## **IX. CELL PHONE CAMERAS**

### A. Departmental Cell Phones

1. Cell phone cameras, both still and video, may be used to record department activities only when another more suitable camera or recording device is unavailable.
2. Activities may include victim, witness, or suspect information, crime scenes, field and eyewitness identifications, witness statements, etc.
3. All activities recorded on cell phone cameras must be transferred immediately to departmental records systems as soon as the incident can be concluded and no later than the end of shift. Appropriate information technology staff will be consulted regarding the safest transfer method.

### B. Personal Cell Phones

1. Personal cell phones, both still and video, may be used to record department activities only when another more suitable camera or recording device is unavailable.
2. If any department activity is recorded using a personal cell phone, a department supervisor will be notified immediately.
3. All activities recorded on cell-phone cameras will be transferred immediately to departmental records systems as soon as the incident can be concluded and no later than the end of shift. Appropriate information technology staff will be consulted regarding the safest transfer method.
4. After transfer to departmental media, all parts of the activity recorded will be permanently deleted from the personally owned cell phone prior to end of shift. Department supervisors may require proof of deletion.

## **X. DIGITAL CAMERAS**

### A. Department Issued Cameras

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

### B. Personally Owned Cameras

1. No employee will carry a personally owned camera on duty unless authorized in writing by the Chief of Police.



- 2.If a personally owned camera has been authorized in writing by the Chief of Police, the employee will report any use of the camera during a police incident to his/ her supervisor immediately and shall transfer the data to department media before the end of shift.
- 3.After transfer to departmental media, all parts of the activity recorded will be permanently deleted from the personally owned camera prior to end of shift. Department supervisors may require proof of deletion.

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

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

### A.Department Issued Digital Media Recorders DMR.

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

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

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

### C. Prohibitions

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

#### D. Officer Responsibilities


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

#### E. Personally Owned Digital Media Recorders – DMRs

1. Department personnel not issued a department DMR may carry a personally owned DMR with written permission of the Chief of Police.
2. Prior to approval, the officer must demonstrate proper use and transfer of data to department media.
3. The officer carrying a personally owned DMR is subject to the same rules and regulations as those with a department issued DMR.
4. All data recorded while on-duty is the property of the department, regardless of the device ownership and will be handled as such.
5. All data will be transferred to department media and the device erased prior to the end of shift.
6. Supervisors may request proof of erasure.

#### F. Supervisor's Responsibilities

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

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 6.1 Use of Force</b>	
	<b>Effective Date</b>	<b>Replaces:</b>
	<b>Approved:</b> _____	
	<b>Chief of Police</b>	
<b>Reference:</b> 3.01, 3.02, 3.04, 6.01, 6.02, 6.03, 6.06, 6.07, 6.08, 6.09, and 6.10.		

**I. POLICY**

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

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

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

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

**II. PURPOSE**

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for the use of deadly and non-deadly force. This policy does not set forth a higher standard of care with respect to third party claims.

**III. DEFINITIONS**

- A. Deadly force: Any use of force that creates a substantial risk of causing death or serious bodily injury.
- B. Non-deadly force: Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.
- C. Objectively reasonable:
  - 1. This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including,

but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to themselves and the community.

2. In evaluating the reasonable application of force, officers may consider their own age, size, strength, skill level with department weapons, state of health, and the number of officers opposing the number of suspects.

#### **IV. PROCEDURES**

##### **A. Use of non-deadly force**

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

##### **B. Use of deadly force**

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

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

##### **C. Deadly Force Restrictions**

1. Warning shots shall not be fired.
2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. 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 if the animal is seriously injured and the officer reasonably believes that deadly force can be used without harm to the officer or others. In these circumstances, a supervisor shall be contacted prior to the use of deadly force if time permits.

#### **V. LIMITATIONS ON FORCE**

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

- A. Application of a choke hold or carotid-control holds, except when the officer reasonably believes such holds are the only means of protecting himself or herself or another person from an imminent threat of serious physical injury or death and the use of deadly force would be authorized.
- B. Use of Streamlites or Kel-lites or other flashlights as batons. An officer may use a flashlight or other object designed for a use other than as a weapon only to defend himself or herself or

another from imminent serious bodily injury or death and then only if departmentally sanctioned methods are not available or are impractical. The use of a flashlight or other alternative weapon under such circumstances, depending on the manner of use, may be deemed an application of deadly force.

## **VI. TRAINING**

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

## **VII. REPORTING USE OF FORCE**

- A. Officers shall document any application of force except for those arising in training, departmental demonstrations, or off-duty recreational activities.
- B. If officers have employed any use of physical force (other than the routine use of handcuffs or use of a firm grip to direct the movements of a subject) or used any impact, electrical, or chemical weapons, or pointed or discharged any firearm, they shall first provide for appropriate medical aid for the subject and then they will do the following:
  1. Immediately notify the on-duty supervisor or the Chief of Police or designee (if the on-duty supervisor is unavailable) of any use of force or discharge of a weapon. The supervisor or Chief of Police or designee 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 or designee prior to the end of shift describing the incident, the force used, and any medical aid rendered. The use of force form shall be in addition to any other required reports.

## **VIII. DEPARTMENTAL REVIEW**


- A. Review
  1. The officer’s supervisors and the Chief of Police or designee shall review all reported uses of force to determine the following:
    - a. If departmental orders were violated.
    - b. The relevant departmental policy was clearly understandable and effective enough to cover the situation.
    - c. Departmental training was adequate.
    - d. Departmental equipment operated properly.
  2. At least annually, the Chief of Police or designee 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.
- B. Internal Investigations
  1. An internal investigation will be conducted on any firearms discharge (other than training), and any other use of deadly force by any member of the department. An internal investigation may

be conducted on other use- of- force incidents if a violation of law or department policy is suspected. In addition to the internal investigation, a criminal investigation shall also be conducted of any incident involving the discharge of firearms or any other use of force incident where an officer or other person is injured or killed and in any other circumstances where a violation of law is suspected. The criminal investigation may be conducted by another law enforcement agency with concurrent jurisdiction, and the results may be presented to the grand jury for review.

2. Procedures for officer-involved-shooting investigations are covered in Policy 6.6.

C. Assignment

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

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 6.2 Firearms and Qualification</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> 3.01, 3.02, 3.03, and 6.04.	

**I. POLICY**

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

**II. PURPOSE**

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

**III. PROCEDURES**

A. Authority

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

B. On-Duty Weapons, Issuance and Use

Only weapons issued by the department or approved by the Chief of Police will be carried or used while on-duty. The department currently issues the Glock 40 caliber as the standard duty firearm for officers.

1. The departmental armorer or firearms instructor shall issue departmental weapons to authorized personnel.
2. Department firearms and ammunition are determined by the Chief of Police based on the needs of the agency.

#### C. Shotguns

Shotguns are assigned individual officers as appropriate.

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

#### D. Patrol Rifles

Patrol rifles, e.g., the AR-15, may be issued or used by officers and supervisors who have received appropriate training and have maintained their required qualifications.

#### E. Off-duty and/or secondary weapons

1. Department issued weapons are the only weapons to be carried on or off duty when acting in the capacity of a police officer for the City of Socorro
2. Personal none department weapons may be carried only when off duty and not acting in the capacity of a police officer. These weapons must be in compliance with Texas permitting and licensing laws
3. Officers will 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 any time that they are carrying an off-duty weapon.

#### F. Departmental Ammunition

1. Only department issue ammunition will be used in departmental weapons for on-duty or off-duty use. No reloaded ammunition will be used except for practice. The department will select and purchase on-duty ammunition for each qualification and old ammunition will be fired during qualification to ensure fresh ammunition is carried in on-duty firearms.

#### G. Security of weapons

1. Officers are responsible for the care, cleaning, and security of departmental weapons issued to them, whether on-duty or off-duty.



2. Officers shall report any weapon malfunction to the Chief of Police or designee via the armorer.
3. Officers are responsible for the safe and secure storage of issued weapons when off-duty in a manner that prevents theft or unauthorized access or use.

#### H. Department Firearms Proficiency Officer and Armorer

1. The Chief of Police shall appoint at least one sworn member of the department to be the departmental firearms proficiency officer and armorer. The armorer shall be a firearms instructor certified by the Texas Commission on Law Enforcement.
2. The duties are as follows:
  - a. Schedule, supervise, and maintain records on all firearms qualifications required by the department.
  - b. Maintain non-issued departmental weapons and associated equipment.
  - c. Inspect all weapons being returned to the armory to ensure they are clean and serviceable.
  - d. Repair or submit to a qualified gunsmith for repair all departmentally owned malfunctioning weapons.
  - e. Maintain records of issuance, care, and maintenance of departmental and personally owned weapons and associated items used on-duty.
  - f. Issue departmental ammunition.
  - g. Annually inspect and certify as serviceable both departmental and personally owned firearms that are authorized for on-duty and off-duty use.
  - h. Inspect and authorize the use of holsters for off-duty use and for on-duty use if the officer prefers to use a holster other than one issued by the department.
3. The armorer shall maintain a record that includes identification of all firearms that have been certified as safe, and identification of those officers who have qualified with each of the firearms. This record shall include the following:
  - a. Officer's name and identification number.
  - b. Make and model of weapon.
  - c. Serial number of weapon.

Modification of weapons: Departmental weapons shall not be modified or altered without the written approval of the Chief of Police

#### I. Firearms inspections

1. Annually, either the firearms instructor or the armorer shall thoroughly inspect each weapon during qualification on the range. Documentation of this inspection will be maintained by the department firearms instructor.
2. Monthly supervisors shall inspect subordinate officers' issued firearms to ensure that they are maintained in a clean and serviceable condition.
  - a. Firearms inspections shall include side arms, shotguns, authorized rifles, ammunition pouches, and holsters.
  - b. Ammunition shall be inspected to ensure that it is of departmental issue, of correct quantity, and in serviceable condition.

- c. Upon completion of monthly inspections, the supervisor shall forward a memorandum to the Chief of Police or designee that documents the following information:
  - i. The date the inspection was held.
  - ii. The name of each officer inspected.
  - iii. The findings of the inspection.

## **IV. PROCEDURES FOR QUALIFICATION**

### **A. Qualification rules**

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

### **B. Shotgun**


1. Every officer must pass the shotgun qualification course before carrying a department-issued shotgun.
2. The qualification course shall include the following:
  - a. Knowing how to load and unload the shotgun combat style.
  - b. Firing at least 10 shots, not all from the same position.
3. Officers shall qualify with the shotgun at least annually.

### **C. Patrol Rifle**

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

#### D. Firearms and Use of Force Instruction

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

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 6.3 Less-than-Lethal Weapons</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> 3.04	

**I. POLICY**

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

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

**II. PURPOSE**

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

**III. GENERAL PROCEDURES**

**A. Approved Weapons**

1. Non-lethal and less-than-lethal weapons currently approved by the department include:
  - a. ASP baton (personal issue)
  - b. Conducted energy device (CED) (duty issue)
2. Based on the needs of the agency, the Chief of Police determines which non-lethal or less-than-lethal weapons will be used by the department.
3. Officers will not carry or use any weapon that has not been approved by the Chief of Police.
4. Officers will not carry or use any weapon that they have not been qualified for by the department.

**B. Security of weapons**

1. Officers are responsible for the care and security of departmental weapons issued to them.

2. Officers shall make a written report of any weapon loss or malfunction to the Chief of Police or designee via the armorer or supervisor.
3. Officers shall not use a weapon after it has malfunctioned until it has been repaired and approved for use by the armorer or supervisor.

C. Modification and maintenance of weapons

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

D. Weapon inspections

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

#### **IV. QUALIFICATION REQUIREMENTS**

A. Required instruction and qualification

1. All department personnel shall receive training with any non-lethal and less-than-lethal weapons that they will carry.
2. Training shall cover the mechanics of the weapon, sound safety practices, and departmental policy governing the use of the weapon and the use-of-force.
3. Tactical considerations shall be a part of this training.
4. Officers will receive training and demonstrate proficiency (qualify) at least annually on all departmental non-lethal or less-than-lethal weapons systems. Failure to qualify with a non-lethal or less-than-lethal weapons will be cause for remedial training. The officer will not carry or utilize the non-qualifying weapon until properly trained and qualified.
5. Instructors for any non-lethal or less-than-lethal weapon where the manufacturer recommends the instructors be certified before providing initial or refresher training shall be certified before providing the said training.

B. Qualification rules

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

- b. The date of qualification and the name of the weapon system.

## **V. ASP BATON**

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

## **VI. CONDUCTED ENERGY DEVICE**

- A. Conducted Energy Device
  1. A conducted energy device (CED) is used to electrically disrupt muscular control. It allows officers to quickly subdue a resisting subject without having to resort to the use of deadly force.
  2. As with any other weapon, precautions must be observed in the use of CEDs. Any subject who has been controlled with the CED must be monitored for any medical problems.
  3. The duties of supervisors of officers issued the CED include active supervision, maintaining managerial controls, and ensuring that officers are in compliance with this order.
- B. Training and Qualification Procedures
  1. Only personnel who successfully complete the department's training course and demonstrate the required proficiency in the use of the CED shall be certified and allowed to carry the CED.
  2. All training and qualification for the CED shall be conducted by certified instructors.
  3. It shall be the responsibility of the firearms instructor to train and certify all eligible officers on the proper techniques for using the CED.
  4. The firearms instructor shall be responsible for compiling and analyzing data from incidents involving the use of the CED to identify training related needs and issues.
  5. In order to maintain proficiency in the use of the CED, all officers certified to carry the weapon shall receive mandatory in-service training at least annually.
- C. Carrying the CED
  1. Certified officers shall carry the CED on their duty belts.

2. The CED shall never be left unsecured.
3. Only holsters approved by the training unit will be utilized.
4. The CED shall always be carried on the side opposite the duty handgun.
5. Personnel issued the CED shall be responsible for the proper maintenance and care of the weapon. This shall include periodically checking battery life and the expiration date of air cartridges, wiping away dirt and dust, and insuring the rubber stopper is secured on the data port.

#### D. Authorized Use of the CED

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

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

- a. When flammable gases or liquids are known to be in close proximity to the subject.
- b. One at a time: No more than one officer at a time should activate a CED against any person, unless there is an exigent circumstance such as a device failure, inoperable device or other condition which renders a device incapable of proper operation
- c. Where the suspect is at an elevated location and there exists risk of serious injury or death from a fall. This includes proximity to deep water or other similar locations.
- d. On higher risk populations unless the situation would justify a high level of force, including deadly force, and the use of the CED is an effort to avoid using the higher level of force. Higher risk populations refer to visibly pregnant females; young children or obvious juveniles; the visibly frail or infirm; elderly (over 65); those who appear to weigh less than 100 pounds. (This requirement is promulgated out of an abundance of caution as there is no scientific evidence to suggest that higher risk populations have been clinically established to be at greater risk from CED deployment than the general population.)
- e. Handcuffed prisoners, without the expressed authority of a supervisor. Exigent circumstances must exist, such as to prevent the subject from injuring himself or others and other means of control are ineffective or unavailable.
- f. On a subject who is confined to a wheelchair unless it is objectively clear that CED is needed to prevent serious injury to the individual and/or if deadly force is justified.
- g. On a subject in control of a vehicle.
- h. On individuals with known neuromuscular disorders, such as muscular sclerosis, muscular dystrophy, or epilepsy.
- i. On persons known to be wearing pacemakers or other biomedical devices sensitive to electrical current.
- j. On a person known to have a heart condition.

#### F. CED Deployment

1. Prior to deploying the CED, whenever reasonable and practical, verbal warnings shall be issued to the subject, which will allow the subject the opportunity to comply with the officer's commands.

2. In situations where CED use is a possibility, officers should consider requesting EMS before use.
3. Prior to deploying the CED, the deploying officer shall announce the word "CED" or "Taser" (a verbal notification consistent with the training received by the officer deploying the weapon) to alert others of the impending use of the weapon.
4. "Clear" shall be announced by the deploying officer subsequent to the use of the CED and prior to affecting the arrest, so as to alert others that the weapon is no longer being deployed.
5. When activating a CED, the officers should use it for one standard cycle and stop to evaluate the situation. (A standard cycle is five seconds.) If subsequent cycles are necessary, only the number and duration of cycles necessary to place the subject in custody will be used.
6. Officers should consider that CED exposure lasting longer than 15 seconds (whether due to continuous or multiple cycles) may increase risk of death or serious bodily injury.
7. Applications of more than 15 seconds should be weighed against other force options.
8. Officers will be particularly alert for medical distress of the subject.
9. Officers should make every effort to avoid firing darts or directing the contact stun method at a subject's head, neck, front chest area, or genitalia. The CED direct contact stun method may be utilized as an alternative deployment method when both probes fail to make contact with the subject and its effectiveness is reduced or the regular deployment method is either not possible or likely to be ineffective.
10. The CED shall not be used in any manner that constitutes torture or torment.
11. It shall not be used to elicit statements, awaken an intoxicated subject, or punish any individual.

#### G. Post Deployment

1. Immediate Restraint: The subject will be restrained immediately to prevent additional resistance or injury. The subject will not be restrained in a manner that impairs respiration. If other restraints are unavailable, the subject may be handcuffed in front using a belt or strap to secure the cuffs to the body.
2. Medical Monitoring. Emergency medical services (EMS) shall be requested to respond to all instances where the CED has been deployed. The requesting officer shall monitor the subject until EMS personnel have arrived. Is this a state standard??? Otherwise it should read when three or more deployments have occurred or a single activation of 15 seconds or more.
3. Supervisor Response. The on-duty supervisor or command officer will immediately respond to the scene of any CED use. The supervisor will review the circumstances of the use and conduct a preliminary investigation.
4. Removal of Probes. CED probes shall be removed as soon as possible. CED probes that are imbedded in a subject's skin (as opposed to just clothing) shall be removed only by EMS personnel, other medical personnel, or police personnel who are trained in the removal of the probes.
5. Police personnel shall not remove CED probes that have struck a subject's head, throat, groin, spine, or any other sensitive area.
6. A CED probe that has penetrated a person's skin shall be considered a biological hazard and shall be handled with the appropriate care.
7. All persons who have been subjected to a CED activation should be monitored regularly while in police custody even if they received medical care.
8. Anyone subject to CED deployment showing any signs of physical distress shall be transported immediately to a medical facility.

#### H. Reporting and Investigation



1. A use-of-force report shall be completed on all CED incidents. Personnel must clearly articulate the reasons for the initial use and all subsequent cycle(s) in the use-of-force report. This includes the actual or threatened use of the CED by an officer.
2. The supervisor responding to the scene shall conduct an immediate preliminary investigation that should include the following:
  - a. Location and interview of witnesses (including other officers)
  - b. Photographs of subject and officer injuries;
  - c. Photographs of cartridges/darts;
  - d. Collection of CED cartridges, darts/prongs, data downloads, car video, body camera video, confetti ID tags, and copies of the device data download.
3. Photographs of the subject shall be taken in all instances involving a subject who is injured or complains of being injured as a result of the use of the CED. Photographs should depict overall condition of the suspect, any injuries, and the locations where the probes made contact. If there is no injury, taking photographs is discretionary.
4. All CED deployments or discharges, including test firings, shall be recorded in a CED log. A supervisor must sign the CED log verifying that the information contained therein is accurate. The presence of a supervisor during testing is not required.
5. Expended CED cartridges shall be submitted to the property unit as evidence. After showing the property clerk a completed CED report signed by a supervisor, the officer shall be provided with a replacement cartridge.
6. The Chief of Police may request an outside investigation by the sheriff's department or Department of Public Safety when any of the following factors are involved:
  - a. A subject experiences death or serious injury;
  - b. A person experiences prolonged CED activation;
  - c. The CED appears to have been used in a punitive or abusive manner;
  - d. There appears to be a substantial deviation from training;
  - e. A person in a high-risk population category has been subjected to activation (see list above)
  - f. Any other activation as determined by a supervisor.

#### I. Inspection


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

#### J. General Considerations

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

#### K. Defense Against CED Use

1. When a subject is armed with a CED and attacks or threatens to attack a police officer, the use of force being applied by the subject is considered to have the ability to cause serious injury and or death and as such the officer may take any and all reasonable actions to defend themselves up to an including the use of deadly force when he/she reasonably believes it is immediately necessary to avoid becoming incapacitated and risking the possibility that the subject could gain control of the officer's firearm. When possible, officers should attempt to move outside the device's range (approximately 21 feet) and seek cover, as well as request back-up officers to mitigate the danger.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 6.4 Officer Involved Shooting Investigations</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b>	

**I. POLICY**

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

**II. PURPOSE**

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

**III. DEFINITIONS**

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

**IV. PROCEDURES**

**A. Officer’s responsibility when involved in a shooting incident**

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

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

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

1. The supervisor will ensure the safety and determine the condition of the officer(s), suspect, and third parties, and summon emergency medical service providers if not yet summoned for officers, suspects, and third parties.
2. If the officer has been shot or otherwise injured, the supervisor will do the following:
  - a. Ensure that an officer accompanies and remains with the officer at the hospital.
  - b. Ensure that the officer's family is notified on a priority basis and in person when possible.
  - c. Ensure that family members are assigned transportation to the hospital or any other location where they are needed as soon as possible.
  - d. Not release the officer's name prior to the family's being notified.
  - e. Assign an officer to the family for security, support, control of the press, and visitors.
  - f. Establish communications and related matters.

- g. Ensure that the clothing of officers and other injured persons is collected for potential evidentiary purposes.
  - h. See that related equipment of the officers is safeguarded.
- 3. The supervisor should contact communications and advise them of the condition of the officers and suspects and the exact location of the incident and request they immediately contact the following:
  - a. The On duty/on call Lieutenant
  - b. The Chief of Police
  - c. Investigators
  - d. Crime scene search personnel
  - e. The public information officer
  - f. Police chaplain or advocate
  - g. Police legal advisor
- 4. The supervisor is to establish a command post and appoint a recorder to make a chronological record of all activities, including the names and actions of any personnel who enter the crime scene. The recorder shall prepare a supplemental report detailing his/her activities and observations. The original chronological record and the supplemental report will be placed in evidence after the scene is cleared.
- 5. The supervisor shall ensure that all audio/video recording systems, including squad-car video systems that were at the scene at the time of the incident, are stopped and secured to protect any evidence thereon.
- 6. If the officer is not immediately transported to the hospital, the supervisor shall briefly meet with him/her. Only minimal, preliminary questions should be asked about the incident. The officer should be advised that a more detailed debriefing will be conducted at a later time. The supervisor must, however, obtain sufficient information to protect the scene and begin an investigation. At a minimum the supervisor should determine the following:
  - a. If any other suspects are at large and get descriptions;
  - b. Approximate number and direction of shots fired (to protect crime scene and ensure no other persons are injured);
  - c. Description and location of any known victims or witnesses;
  - d. Description and location of any known evidence;
  - e. Any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects.
- 7. During any period where the involved officer is required to remain on the scene but has no immediate duties to fulfill, the supervisor should see that the officer is taken to a quiet area away from the scene of the incident. If available, a peer counselor or other supportive friend or officer should remain with him/her, but that person should be advised not to discuss details of the incident.
- 8. The supervisor will see that a color picture of the involved officer is taken.
- 9. The supervisor will ensure that the overall scene and evidentiary items are photographed and videotaped.
- 10. The supervisor will ensure that all persons at the scene are videotaped.
- 11. The supervisor should advise the officer that he/she may seek legal counsel.

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

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

1. Two different investigations may be conducted after an officer involved shooting incident.
  - a. If the officer was shot at, injured, killed, or otherwise the victim of a criminal offense, a criminal investigation will be conducted to determine the identity of the suspect and for subsequent prosecution.

- b. If an officer shot at a suspect, an administrative investigation shall be conducted to determine compliance with departmental policy, as well as a criminal investigation to determine if the officer is criminally culpable.
  - c. If an officer shot at and hit a suspect, a criminal investigation shall be conducted to determine if the officer is criminally culpable for his or her actions, as well as an administrative investigation to determine compliance with departmental policy.
2. These investigations, if both are required, may run simultaneously with the criminal investigation taking precedence.
3. To avoid improper contamination of the criminal investigation investigators will be well versed in the issues of *Garrity v. NY*.
4. Upon arrival, investigators will first ensure the tasks itemized above have been completed. They shall then conduct their investigation, which will include the following:
- a. The investigators will receive a general briefing and walk-through by the supervisory officer regarding the circumstances surrounding the shooting. The decision to conduct a walk-through with the involved officer present at this time must be made based on the following:
    - 1. The type of investigation being conducted
    - 2. The physical and mental state of the officer
    - 3. The availability of the officer's attorney
    - 4. The circumstances at the scene
  - b. The investigators will make a thorough inspection of the scene and they will review the collection of all items and substances of evidentiary value, including photos and videotapes taken at the scene.
  - c. The investigators will obtain taped statements from the suspects.
  - d. The investigators will ensure that notification is provided to next-of-kin of injured or deceased suspects.
  - e. The investigators will locate and identify witnesses and conduct initial tape-recorded interviews.
  - f. The investigators will tape record interviews with fire department personnel, emergency medical service providers, and other first responders to the scene.
  - g. They will conduct separate tape-recorded interviews with each officer involved. (Involved officers will not be required to provide written or videotaped statements sooner than 48 hours after an incident.)
  - h. They will conduct the interview in a private location away from sight and hearing of agency members and others who do not have a need or a right to the information.
  - i. They will advise the officer not to discuss the incident with anyone except a personal or agency attorney, union representative, or departmental investigator until the conclusion of the preliminary investigation.
  - j. They will be cognizant of symptoms of post-traumatic stress, which might include time and space distortions, confusion, hearing and visual distortion, and emotional impairment, including shock. (Defer tape-recorded interviews if these symptoms are evident.)
  - k. They will take any weapon fired by the officer into custody and handle it as evidence. Firearms shall be taken from officer in a discrete manner and the OIC

shall ensure that arrangements are made to replace them with other firearms or advise the officer that they will be returned or replaced at a later time.

- l. They will contact the coroner and obtain the autopsy report for any officer and/or suspect if required.
  - m. They will determine entrance and exit wounds, estimates of the shooter's position, the presence of alcohol or controlled substances, or other related evidence.
5. 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 as to the following:
  - a. Whether it would be in the officer's best interest to be placed on administrative leave or light duty, and for how long;
  - b. 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 course for continued counseling. (The agency strongly encourages the families of the involved officers to take advantage of available counseling services.)
  - d. If placed back on full duty and another deadly-force situation presented itself in the first work shift, would the officer be capable of defending himself/herself or another with the use of deadly force.
3. Any agency investigation of the incident shall be conducted as soon and as quickly as practical.
4. The agency should give a general fact-based briefing to other agency members concerning the incident.
5. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated agency spokesperson, unless they are otherwise authorized to release a statement pertaining to the incident.
6. In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.
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 not recognize the symptoms, 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.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.1 Constitutional Safeguards</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP: 7.04	

**I. POLICY**

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

**II. PURPOSE**

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

**III. PROBABLE CAUSE AND REASONABLE SUSPICION**

A. Probable Cause: An officer must have probable cause to make an arrest or conduct a search.

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." See 7.3 for additional information.
2. When an officer has sufficient probable cause, he or she may arrest a person, conduct a search of the person, record the suspect's fingerprints, take the person's photograph, and detain him/her. The aim of an arrest on probable cause is to make a formal charge. While formal charges may not be filed for any number of reasons, officers should make a custodial arrest only if a formal charge is anticipated.

B. Reasonable Suspicion: An officer must have reasonable suspicion to temporarily detain a person.

1. Reasonable suspicion involves a somewhat lower standard than probable cause, generally defined by the courts as a circumstance or collection of circumstances that would lead a trained, experienced officer to believe that criminal activity may be afoot. The facts and circumstances are the same type of information that is used to build probable cause. The test for evaluating the existence of reasonable suspicion is the same test used to evaluate probable cause: the totality of the circumstances known to the officer at the moment of the detention.
2. When an officer has reasonable suspicion, he or she may 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.
3. Temporary shall mean only that relatively brief amount of time that an officer may detain a person so the officer may initiate or continue the investigation, having reasonable suspicion to believe the person is involved in the criminal activity. Once the officer has determined that he or she has insufficient facts and circumstances to establish probable cause or is not likely to obtain sufficient facts or circumstances to establish probable cause, the officer shall release the person.

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


C. Alternatives to arrest/pre-arraignment confinement

1. Officers are required to arrest suspects for all felony offenses and those major misdemeanor offenses where a victim was injured, property was stolen or damaged, or the public or an individual was placed at risk of great harm.  
After an arrest has been made in these circumstances, if pre-arraignment detention is not advisable due to the suspect's health, age, infirmity, or family situation, the officer should contact a supervisor for disposition. A supervisor or the Chief of Police can authorize a field release if the individual is known or proper identification is present; or the same authorities can authorize booking and release on personal recognizance.
2. In misdemeanor criminal cases where there is no victim or property loss, where an individual or the public was not placed in danger of great harm, and in traffic offenses, officers may occasionally be faced with situations where formal action is not advisable. In such cases, officers may elect to exercise alternatives, such as the issuance of citations, referral to a social service agency, or simply to give a warning.
3. In determining whether a citation should be used, the officer shall:
  - a. Decide whether the offense committed is serious.
  - b. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors.
  - c. Make a judgment as to whether the accused poses a danger to the public or himself/herself.
4. Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. In such cases the officer should refer the person to an appropriate social services agency.
5. The use of warnings may sometimes provide a solution to a problem and may enhance the public perception of the department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer shall consider:
  - a. The seriousness of the offense.
  - b. Whether a victim was injured or had property damaged by the offender.
  - c. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors.
  - d. The likelihood that the violator will heed the warning.

## **V. PROTECTION OF INDIVIDUAL RIGHTS**

- A. Officers will at all times act to preserve and protect the rights of all persons.
- B. An officer who intends to question a suspect will inform him/her of their rights. Miranda warnings are required and shall be administered prior to any "custodial interrogation." Officers are expected to understand the requirements of the Code of Criminal Procedure 38.22 before taking any statements from suspects.
  1. Listed below are representative examples of situations that are not "custodial" and therefore do not require Miranda warnings.
    - a. Investigatory stop and frisk.
    - b. Questioning during a routine traffic stop or for a minor violation, which includes driving while intoxicated (DWI) stops until a custodial interrogation begins.
    - c. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.

- d. During voluntary appearances at the police facility.
  - e. When information or statements are made spontaneously, voluntarily and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require Miranda warnings.)
2. Administering Miranda.
- a. Miranda warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation.
  - b. Freelancing, recitation from memory, or paraphrasing the warnings is prohibited because it precludes officers from testifying in court as to the precise wording used.
  - c. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be questioned only when they have knowingly and intelligently waived their rights. Threats, false promises, or coercion to induce suspect statements are prohibited.
  - d. Waivers of the Miranda rights must be performed affirmatively. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate agency form.
  - e. Officers arresting deaf suspects or those suspects that appear to have limited proficiency in English shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.
  - f. The administration of the Miranda warning will be recorded (or witnessed) if at all practical. For example, the use of in-car cameras or body cameras is preferred.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.2 Field Interviews and Detentions</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP: 7.07	

## I. POLICY

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

## II. PURPOSE

The purpose of this policy is to clearly establish the difference between a field interview and an investigative detention or stop, to assist officers in determining when field interviews and frisks for weapons are lawful, 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 to gather information or to resolve the officer's suspicions about possible criminal activity or to determine if the person has information about a criminal offense.
  - 1. Field interviews require voluntary cooperation of the subject.
  - 2. A field interview contrasts with a detention or stop, both of which are based on reasonable suspicion of criminal behavior.
- B. Frisk: A "pat-down" search of outer garments for weapons.
- C. Reasonable suspicion: Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed. The reasonableness of an officer's actions will be determined by reviewing the totality of circumstances known to the officer at the time he or she takes the action.

- D. Stop: An investigative detention.
- E. Detention: Requiring an individual to remain with the officer for a brief period of time for the purpose of investigating the actions of the individual. In order to make the stop, the officer must have reasonable suspicion to believe that criminal activity is afoot and that the person to be detained or stopped is involved.

The following characteristics may, under certain circumstances, give rise to reasonable suspicion for a stop. This list is not all-inclusive nor is the presence of any one of these circumstances alone always sufficient for reasonable suspicion.

1. Officer has knowledge that the person has a criminal record.
2. A person fits the description of a wanted person.
3. A person has exhibited furtive conduct, such as fleeing from the presence of an officer or attempting to conceal an object from the officer's view.
4. The appearance, behavior, or actions of the suspect suggest that he/she is committing a crime.
5. The time of day or night is inappropriate for the suspect's presence in a particular area.
6. The officer observes a vehicle that is similar to that of a broadcast description for a known offense.
7. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.
8. The suspect is in a place proximate in time and location to an alleged crime.
9. The suspect is carrying an unusual object, or his/her clothing bulges in a manner consistent with concealing a weapon.
10. Flight from the officer may be considered as a fact or circumstance, but mere flight will be insufficient basis for reasonable suspicion.

#### **IV. FIELD INTERVIEW PROCEDURES**

##### **A. Making the field interview or stop.**

1. An officer may conduct a field interview at any time if an individual is willing to speak with the officer. A field interview requires voluntary cooperation from the subject. If the officer has no probable cause to arrest or a reasonable suspicion that justifies 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/herself. The individual does not have to answer any questions or provide any information.
2. An officer must be able to articulate the circumstances that warranted the interview of the subject. Should a field interview result in an arrest, in court an officer must justify his/her intrusion by describing "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Articulable facts and circumstances derive from:
  - a. Firsthand observations.

- b. Information from informants or members of the community.
- c. "Collective knowledge" or information shared by several officers.
- d. Reasonable inferences made by the officer from information known to the officer.

## B. Place of the interview

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

## C. Conduct of Interviews

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



- b. Individuals cannot be compelled to answer any questions during field interviews.

## 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 and it is based on reasonable suspicion. A second component may be a frisk of the detainee for weapons. The frisk must be justified by the officer's reasonable fear for his/her safety during the detention. The safety concern must arise from the conduct of the detained person, not from safety concerns in general. For example, a frisk could not be justified solely on the claim that "all drug dealers are dangerous." Not every detention will result in a frisk. Examples of safety factors justifying a frisk may include but are not limited to the following:
  - 1. The type of crime suspected, particularly those involving weapons.
  - 2. When the officer must confront multiple suspects.
  - 3. The time of day and location of the stop.
  - 4. Prior knowledge of the suspect's propensity for violence.
  - 5. Any indication that the suspect is armed.
  - 6. Age and sex of the suspect. Officers shall exercise caution with very young or very old people or persons of the opposite sex.
- C. Manner of conducting a frisk
  - 1. Ideally, two or more officers will conduct the frisk, one to search and the other to provide protective cover.
  - 2. The minimally intrusive nature of a frisk permits the suspect to be searched while standing, or with hands placed against a stationary object, feet spread apart, which is the preferred method.
  - 3. When frisking, officers shall search only the external clothing for objects that reasonably could be weapons and remove them. Retrieval of the weapon may give probable cause to arrest. If so, officers may then conduct a complete custodial search of the suspect incident to arrest.
  - 4. If, during a lawful detention based on reasonable suspicion, the officer conducts a frisk and feels an object whose contour or mass makes its identity as contraband immediately apparent, pursuant to the plain-touch doctrine, it may be withdrawn and examined.
  - 5. If the suspect is carrying a bag, purse, suitcase, briefcase, sack, or other container that may conceal a weapon, officers shall not open it but may place it beyond the subject's reach for the duration of the stop.
- D. Protective search
  - 1. Under some conditions, the protective search or the search for weapons may be extended beyond the person detained. This search occurs most often involving vehicles. A lawful, protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all of the following elements present:

- a. A lawful detention as defined herein or a lawful vehicle stop.
- b. A reasonable belief that the suspect poses a danger.
- c. A frisk of the subject must occur first.
- d. The search must be limited to those areas in which a weapon may be placed or hidden.
- e. The search must be limited to an area that would ensure that there are no weapons within the subject's immediate grasp.
- f. If the suspect has been arrested and restrained or removed from immediate access to the vehicle, a search of the vehicle cannot be made for protective reasons. A search may be made of the vehicle if other exceptions to a search warrant exist.


E. Period of detention:

1. Investigative detention--as with field interviews--must be conducted as quickly as possible. Once the detaining officer determines that the basis for reasonable suspicion no longer exists, the person detained shall be immediately released. Should the suspicion be reinforced with additional information or the officer develops probable cause, the period of detention could be lengthened. The courts generally permit up to 20 minutes to constitute a reasonable period of time for the interview.

## **VI. DOCUMENTING THE INTERVIEW OR STOP**

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

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

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

## I. POLICY

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

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 which prompted 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 required to make the arrest.

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

## II. PURPOSE

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

## III. DEFINITIONS

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

#### **IV. DISCRETION**

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

#### **V. ARRESTS WITH A WARRANT**

##### **A. General Procedures for Obtaining an Arrest Warrant and Arresting with a Warrant.**

- 1. Obtaining an arrest warrant will be made pursuant to Chapter 15 of the Texas Code of Criminal Procedure (TCCP). All officers shall become familiar with the specific language/laws concerning obtaining arrest warrants found in Chapter 15 of the TCCP. The following are shortened versions of Articles 15.01, 02, 03, and 05. If departmental approval is received, an officer may obtain an arrest warrant by following these requisites:
  - a. (15.01) An arrest warrant is a written order from a magistrate, directed to a peace officer commanding the officer to arrest a person accused of an offense who is to be dealt with according to law.
  - b. (15.02) A warrant must be issued by a magistrate, in the name of the State of Texas, and must specify the name of the person to be arrested or a reasonable, definite description of the person. The warrant must state that the person is accused of a crime and name the crime. The warrant must be signed by a magistrate and it must indicate the identity of the magistrate's office.
  - c. (15.03) A magistrate in the State of Texas may issue an arrest warrant when a person (the officer) makes an oath (affidavit or complaint) that another has committed an offense against the laws of the State of Texas.
  - d. (15.05) An officer's complaint or affidavit must state the name of the accused or some reasonable definite description of the individual. It must show directly that the person has committed a crime or that there is good reason to believe that the person has committed a crime. The complaint/affidavit must state the time and place of the offense, as definitely as can be done by the affiant, and it must be signed by the affiant.
- 2. Unless assigned as an investigator or detective, officers will obtain supervisory approval before applying for an arrest warrant for any individual.
- 3. All members of the department will utilize approved affidavit and arrest warrant forms provided by the department. Upon completion of the affidavit and warrant, all officers shall have the documents reviewed and approved by a supervisor prior to requesting judicial approval.

4. Warrants will be carried only to the judge of the municipal court or to a county or district court judge for judicial review. If a warrant approval is refused by any judge, the affidavit and warrant shall not be taken to any other judge until substantial additional information proving probable cause has been added to the affidavit. Subsequent reviews will be done by the same magistrate unless he/she is unavailable. If the same magistrate is unavailable, the officer shall inform the new magistrate that the original affidavit was refused and provide the reason(s) why it was refused.
5. Except as authorized by the Texas Code of Criminal Procedure, Chapter 14, or Section 18.16, an officer shall not arrest anyone without an arrest warrant.
6. An officer shall not alter any information on an arrest warrant in any manner after a magistrate has issued it.
7. An officer shall presume that any arrest warrant which appears in proper form is valid. To be in proper form and valid on its face, an arrest warrant shall have the following features:
  - a. Be issued in the name of "The State of Texas"
  - b. Specify the name of the person whose arrest is ordered, or provide a reasonable description if the name is not known
  - c. State that the person is accused of a named offense
  - d. Be signed by a magistrate whose office must be named.
8. An officer shall execute a valid arrest warrant as provided by law and departmental policies.
9. If the arrest warrant lacks proper form, the officer shall not execute the warrant, but shall return the warrant to the magistrate who issued it.
10. An officer who has any question about the details or validity of an arrest warrant shall attempt to verify the information before making an arrest under authority of that warrant.
11. Whenever practical, an officer shall automatically verify the currency of any arrest warrant issued thirty days or more before the date of execution.
12. Any decision to send regional or statewide messages concerning a warrant will be made by a supervisor or the investigator assigned to the case.
13. An officer need not have actual physical possession of an arrest warrant in order to execute it. However, before executing a warrant not in his possession, the officer shall personally determine the location of the warrant and shall ensure that the arrestee sees a copy of the warrant as soon as possible after his/her arrest.
14. In executing an arrest warrant, whether or not he/she has the warrant in his/her possession, an officer shall announce to the person being arrested that the arrest is made pursuant to an arrest warrant. An officer has the warrant in his possession shall show it to the arrestee. If the officer does not possess the warrant, he/she shall advise the arrestee of the charge, the bond, and the originating agency that issued the warrant.
15. Officers may enter a third party's residence in the following situations:
  - a. with consent to search from the resident or person having control of the property, or
  - b. with a search warrant for that residence in order to enter and make the arrest, or
  - c. while in fresh pursuit of the wanted person.

## B. Warrants from Other Jurisdictions

1. If an officer has knowledge that another Texas law enforcement agency holds a valid arrest warrant for a particular person, the officer may arrest that person. If an officer makes an arrest on a warrant from another Texas law enforcement agency, the officer shall do the following:
  - a. Arrest the defendant.
  - b. Notify the agency holding the warrant that this department executed the warrant and give the location of the arrestee.
  - c. Make certain that a supervisor is notified if the defendant is booked into this department so that the defendant can appear before a magistrate within 24 hours of the arrest.
  - d. An officer shall also execute an arrest warrant telegraphed under the authority of a Texas magistrate.
2. The department shall hold the arrestee as the magistrate prescribes until releasing the arrestee to the custody of the department holding the warrant, or until transferring the person to the custody of the county sheriff's department.
3. If the department holding the warrant cannot take custody of the arrestee within 24 hours after the execution of the warrant, or if that department at any time indicates that it will not take custody of the arrestee, the arrestee may be released from our custody.

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

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

D. Chance Encounters

1. An officer who lawfully stops or otherwise detains and identifies a person may concurrently initiate a records check to determine whether any arrest warrant is outstanding against that person.
2. An officer may detain a person whom he/she has lawfully stopped for a reasonable period of time in order to conduct a routine records check by radio, telephone, teletype, or computer terminal. However, detention may be extended, but no longer than necessary, if the officer has a reasonable suspicion that a warrant is outstanding.
3. The detained person may be required to wait in the officer's vehicle, in his/her own vehicle, or in some other convenient place.
4. The person may be frisked if the officer can articulate a reasonable fear for his/her safety.

## E. Planned Executions of Arrest Warrants

1. Prior to executing an arrest warrant, the officer in charge shall notify his/her chain of command.
2. The time of day for executing the arrest warrant shall be based on the following rules:
  - a. Execute during daylight, unless circumstances make this dangerous or impractical.
  - b. Execute when the person named in the warrant is most likely to be present.
  - c. Execute when resistance is least expected and best controlled.
  - d. Execute so as to minimize the danger or inconvenience to other persons who may be on the premises, unless other circumstances make this impractical.
  - e. Whenever possible, arrests shall be made in a location where the arrest will not pose a threat to the safety of the public, as it might in, e.g., crowded places where bystanders may be injured should the arrestee offer resistance, particularly resistance involving the use of firearms.
3. An officer may serve the warrant at any place, public or private, where the individual named is reasonably believed to be located (subject to the third-party, private-location rule.)
4. Officers need not execute the warrant at the first possible opportunity but may choose the time and place in accordance with these rules.
5. An officer shall not select the time and place of arrest solely to embarrass, oppress, or inconvenience the arrestee.
6. An officer shall not use force to enter private premises to execute a misdemeanor arrest warrant.
7. In general, when seeking to enter a private premise, an officer shall ring the doorbell or knock on the door, announce his/her intentions and purpose, and demand admittance. He/she then may then wait for a reasonable time under the circumstances to be admitted.
8. Officers may only enter a third person's residence in the following circumstances:
  - a. With consent to search from the resident or person having control of the property, or
  - b. With a search warrant for that residence in order to enter and make the arrest, or
  - c. While in fresh pursuit of the wanted person.
9. If the execution of an arrest warrant may involve significant risk to officers, a statement of the circumstances of this risk should be included in the affidavit with a request that the magistrate include a "No Knock" authorization to the warrant. If a "No Knock" provision has not been authorized by the magistrate, and articulable circumstances occur at the time of execution of the warrant (such as efforts to destroy evidence, evade arrest, or endanger officers) an immediate entry may be made without the required notice and waiting period.
10. An officer who must make a forcible entry shall enter the premises by the least forceful means possible under the circumstances. Although entry may necessarily include breaking a door or window, an officer must strive to inflict as little damage as possible to the premises.
11. When it is necessary to forcibly enter private premises to execute a felony arrest warrant, the officer in charge of the operation shall have enough officers present, and take other

appropriate measures, to protect the safety and security of all persons present. To identify the group as officers, at least one fully uniformed officer should lead the entry into the premises.

12. After forcibly entering private premises to execute a felony arrest warrant, officers shall immediately secure the premises by locating and controlling the movement of all persons who reasonably appear to present a threat to the safety of the officers. Officers shall also control any object that may be used as a weapon. An officer may frisk any person whom the officer reasonably suspects may have a weapon concealed upon his/her person.
13. Officer shall leave the premises at least as secure as when they entered by leaving it in the hands of a responsible person or by locking all doors and windows. If the premises are left unsecured, a guard will remain until the site can be turned over to a responsible party or otherwise secured from illegal entry.

#### F. Execution of Local Warrants Issued by Other Jurisdictions

1. When another law enforcement agency within Texas holds a prisoner on a warrant from this department, this department shall either pick up the prisoner within twenty-four (24) hours or notify the holding agency to release him/her.
2. When an out-of-state department notifies this department that the out-of-state department has executed a felony arrest warrant held by this department and is holding the person arrested, this department shall immediately pursue extradition proceedings.

#### G. No-Book Warrant Procedures

1. For Class C warrants issued by this city, an officer may allow a violator to pay fines in full rather than booking the violator into the holding facility.
2. Officers who wish to serve Class C municipal warrants without booking the defendant into the holding facility should follow these procedures:
  - a. Confirm that the warrant matches the identity of the person detained.
  - b. Confirm that the defendant has a sufficient amount of cash to pay the full amount of the fine(s) or he/she can obtain the cash quickly.
  - c. If the defendant has the cash necessary or can obtain the cash quickly, the officer should ascertain if the defendant has transportation. The officer should follow the defendant to the bond desk.
  - d. Upon arrival at bond desk the officer should obtain the original warrant and complete the officer's return on the warrant.
  - e. The officer should complete an arrest report.
  - f. The violator will pay the complete amount of all fines to the clerk assigned to the bond desk. **Officers are prohibited from handling any of the cash during any part of this transaction.**
  - g. The officer should ensure that the defendant is provided a receipt for the payment.
  - h. If after a reasonable time has elapsed as determined by the officer or the officer's supervisor, the defendant is unable to pay the fine the defendant should be arrested and booked into the holding facility.



- i. The officer should turn in his/her arrest report and the original warrant to his/her supervisor. The supervisor will forward the warrant to the municipal court for a final disposition and removal from the local warrant database.

## VI. ARREST WITHOUT A WARRANT

A. Federal and state constitutions protect individuals from arbitrary and oppressive (unreasonable searches and seizures) 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 that reasonably show that such persons have been guilty of a felony or breach of the peace or threaten or are about to commit an offense against the laws.
  - b. An officer who has probable cause to believe that a person has committed an assault resulting in bodily injury to another, and there is probable cause to believe there is danger of further bodily injury to the victim, may arrest that person.
  - c. An officer who believes that there is danger of bodily injury to another person, or of further injury to that person, may arrest the violator.
  - d. An officer who has probable cause to believe that the person has committed an offense involving family violence may arrest the violator.
  - e. If a person prevents or interferes with an individual’s ability to place an emergency telephone call related to family violence, an officer may arrest the violator.
  - f. Officers shall arrest a person in violation of a valid protective order when committed in the officer’s presence.
  - g. Officers may arrest a person who violates a valid protective order, if the offense is not committed in the officer’s presence or view.
  - h. Officers may arrest an offender for any offense committed within the officer's presence or view, including traffic violations.
  - i. Officers may arrest at the direction of a magistrate when a felony or breach of the peace has been committed.
  - j. 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.
  - k. 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 arrange for his/ her transportation to a hospital for an examination before booking.

### **B. Processing of paperwork**

All arrests will be documented in a timely manner in an incident (offense) report which will be reviewed and approved by the supervisor on duty.

### **C. Mirandizing Arrestees**

1. Arrestees shall be advised of their Miranda rights before any questioning.
2. A waiver of the Miranda rights must be obtained before any questioning of an arrestee.
3. If the arrestee has not waived his or her Miranda rights, no questioning shall be conducted beyond that necessary to accomplish the booking procedure (name, address, etc.).
4. If the arrestee declines to waive his or her Miranda right to counsel, or 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.
5. If the arrestee has not waived his/ her Miranda rights, officers shall refrain from engaging in conversation among themselves in the presence of the arrestee that is calculated to elicit incriminating statements or admissions from the arrestee, even if the conversation does not contain questions.

## **VIII. RELEASE FROM ARREST**

- A. Officers may encounter a circumstance where probable cause develops to arrest a person for an offense only to find out shortly thereafter that the person under arrest did not commit a crime or that the event was not a crime. It is imperative, then, that the officer end the arrest process and release the person as soon as possible.

## B. Procedure

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

## IX. IMMUNITY FROM ARREST


### A. Legislative immunity

1. Members of the United States Congress are exempt from arrest when Congress is in session, or when they are en route to or from congressional business, except for traffic summonses.
2. Members of the Texas Legislature are exempt from arrest during a legislative session (or allowing for one day for every 20 miles such member may reside from the place where the legislature meets before the beginning or after the ending of any session) except in cases of treason, a felony, or a breach of the peace.

### B. Diplomatic immunity

1. While a person claiming diplomatic immunity may present any number of identification papers, the only one that is indicative of the level of privilege and immunity is a card issued by the U.S. State Department. The holder's level of immunity will be indicated on the card. If a person claiming immunity does not possess this card and the incident involves a criminal offense, officers may detain the person either at the scene or at the department long enough to verify official status.
2. Upon exhibiting proof of diplomatic immunity, persons shall be released upon being stopped for a misdemeanor traffic violation. If questions arise about this procedure, or if an arrest for a felony is necessary, call and advise the U.S. State Department Office of Security (202-647-4415, days, or 202-647-1512, nights and weekends).

3. When encountering a criminal suspect who claims diplomatic immunity, officers shall first take reasonable measures--including pat-downs or other legal searches--to ensure safety to the public and other officers. Verification of the diplomatic claim shall take place after any danger has been neutralized. A criminal investigation shall proceed as if no valid diplomatic immunity claim has been made. Interviews, interrogations, seizures of evidence, or issuance of warrants shall proceed per departmental procedure. In a criminal investigation, the Chief shall remain in contact with the U.S State Department.
4. Regardless of the claim of immunity, in any case where officers arrest or detain foreign nationals the suspects shall be advised of their right to have their consular officials notified. In some cases, this notification is mandatory. Note: The list of countries that require mandatory notification of consular officials in the event that one of its citizens has been arrested is extensive. The State Department shall be contacted for guidance.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.4 Search Incident to Arrest and Other Searches Without a Warrant</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP: 7.07, 10.14, and 10.15	

**I. POLICY**

In order to ensure that an individual’s constitutional rights are protected, officers will obtain search warrants upon probable cause in all appropriate criminal cases unless a valid exception applies. (Search warrants are discussed under Policy 7.5.)

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

**II. PURPOSE**

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

**III. SEARCH INCIDENT TO ARREST**

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

1. The entirety of the person being arrested.
  2. The area within the immediate control of the person being arrested where 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 in the following circumstances:
1. The arrested vehicle occupant is unsecured and within arm's reach of the passenger compartment at the time of the search, or
  2. The officer has a reasonable belief that evidence related to the crime for which the arrest was made is located within the passenger compartment.
  3. Once an occupant has been secured and is unable to effectively reach the passenger compartment, the authority to search the vehicle for safety reasons is removed.
  4. 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. Strip searches shall not be conducted of persons arrested for traffic violations, or for Class C or B misdemeanors unless the officer has an articulable, reasonable suspicion that the person is concealing a weapon or contraband. Reasonable suspicion may be based on, but is not limited to, the following criteria.
    - a. Nature of the offense.
    - b. Arrestee's demeanor and appearance.
    - c. Circumstances of the arrest or evidence of a major offense in plain view or during the course of the arrest.
    - d. Arrestee's criminal record, particularly a history of violence or of narcotics offenses.
    - e. Detection of suspicious objects beneath the suspect's clothing during a search incident to an arrest.
  2. Strip searches shall be performed by persons of the same sex as the person arrested and at the jail or lock-up where the search cannot be observed by persons not physically conducting the search.
  3. No strip searches will be conducted in the field.
  4. In every case, the on-duty or on-call supervisor (a) must be provided with all relevant information regarding the need for the search; (b) must review the need for the search; and (c) expressly authorize the strip search.
  5. When authorized by the supervising authority, strip searches may be conducted only under the following conditions:
    - a. In conformance with approved hygienic procedures and professional practices.
    - b. In a room specifically authorized for this purpose.
    - c. By the fewest number of personnel necessary and only by those of the same sex.

- d. Where conditions provide privacy from all but those authorized to conduct the search.
6. Following a strip search, the officer performing the search shall submit a written report to the supervisory authority that details, at a minimum, the following:
  - a. Date and place of the search.
  - b. Identity of the officer conducting the search.
  - c. Identity of the individual searched.
  - d. Those present during the search.
  - e. The identity of the approving supervisor.
  - f. A detailed description of the nature and extent of the search.
  - g. The results of the search.

#### G. Body-cavity searches

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

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

1. Consent searches must observe the following rules:

- a. Generally, the person granting consent must use, have access, or control the property. A person having use, access, or control of only a part of a jointly owned property can give consent for a search only of that part.
- b. If two people have joint ownership of property, either may give consent where only one of the owners is present. If possible, officers should have all the consenting parties present sign a written permission-to-search form.
- c. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.
- d. A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises unless the tenant has been evicted or has abandoned the property.
- e. A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use where only one is present. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.
- f. A parent may consent to a search of premises occupied by a child under the age of majority if the parent also has access to the premises. If a dependent child is present and is over the age of majority, he or she may legally object to the search of an area that is jointly owned or possessed.
- g. An employee cannot give valid consent to a search of his/her employer's premises unless he/she has been left in custody of the premises.
- h. An employer may generally consent to a search of premises used by employees, except premises used solely by another employee (e.g., a locker).
- i. Consent must be given voluntarily. If an officer requests consent from a person under circumstances which a reasonable person would consider coercive, the search would not be consensual, and the officers should seek a warrant. The officer may have the burden of demonstrating that the consent was given voluntarily.
- j. A person who initially gives consent may withdraw it at any time. Officers shall then secure the premises and seek a warrant if probable cause exists (which can include evidence found prior to the withdrawal of consent).
- k. Refusal to give consent, in itself, cannot justify further law enforcement action.
- l. The scope of a consent search is limited to the area for which consent has been given, and within this area officers may search only into areas where the objects sought could reasonably be hidden.

## 2. Documentation of Consent Searches

- a. Although verbal consent is valid, police officers will carry and use the Voluntary Consent to Search form. The form should be completed and signed by the consenting parties. All Consent to Search Forms shall be forwarded to the records unit for filing.
- b. If a person gives verbal consent but refuses to give written consent, police officers should consider the severity of the case along with viable options (e.g., obtaining a search warrant or some other exception to the search warrant requirement) before proceeding with the search.
- c. A police officer who proceeds to search on verbal consent should remember 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. For example, they could tape record the verbal consent or have an impartial third party witness the consent by signing the form.
- e. Police officers should make every effort to minimize conditions that could be offered as "threat or intimidation," such as the following:
  - i. Number of police officers present (especially in uniform)
  - ii. Amount of force used to detain or arrest, e.g., displaying firearms, use of handcuffs, etc.
  - iii. Language and tone of voice used in requesting consent
  - iv. Other non-verbal communications.

## B. Emergency searches

1. A search warrant is not necessary in certain emergency situations. 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 except under the following circumstances:
    - i. Valid consent is given by a person with authority to grant such permission.
    - ii. There is reason to believe there is an immediate need to protect the safety of some person inside the location.
    - iii. Alcohol and/or illegal drugs are present, and the health and safety of individuals is a legitimate concern (exigent circumstances).
  - b. If the offense is a felony, police officers will not enter except under the following circumstances:
    - i. Valid consent is given by a person with authority to grant such permission.
    - ii. There is probable cause to believe the destruction of contraband or other evidence is imminent if not immediately recovered.
    - 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, such as contraband, fruits of a crime, or instrumentalities of a crime, the following two requirements must be met:
1. From a lawful vantage point, the officer must observe contraband left in open view.
  2. It must be immediately apparent to the officer that the items he or she observes may be evidence of a crime, contraband, or otherwise subject to seizure.

D. Plain feel

During a lawful frisk (stemming from a lawful detention), if an officer detects an object that is or might reasonably be an item that is contraband or other criminal evidence, the object may be seized. Threatening items, such as weapons, may always be removed during frisks. Non-threatening items may be removed only if they are contraband or their evidentiary nature is immediately apparent.

E. Abandoned property, open fields, and curtilage

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

1. For property to be considered abandoned the following three conditions must apply:
  - a. The property was voluntarily abandoned.
  - b. The abandonment was not a result of police misconduct.
  - c. The 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 that is necessary, convenient, and habitually used by the family for domestic purposes. The extent of curtilage of a private residence is determined by the following:
  - a. Whether the area is enclosed.
  - b. The nature and use of the area.
  - c. The proximity of the area to the home.
  - d. Any measures taken by the owner to protect the area from observation.
  - e. Note that under some circumstances, surveillance (e.g., aerial surveillance) of activities within curtilage may take place without a warrant.

## V. VEHICLES

- A. In recent years, the U.S. Supreme Court has modified and expanded the conditions under which officers may search vehicles. Preferably, officers shall search vehicles under the authority of a warrant, although it often happens that there is not sufficient time to obtain one. However, warrantless searches of vehicles may take place under a number of conditions and circumstances. It is imperative that officers understand the different types of vehicle searches and their limitations.

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

## B. Definitions

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

## C. When warrantless vehicle searches may be performed

1. As noted earlier, if feasible, warrants shall be obtained to search vehicles unless an exception applies. 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. 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.
  - b. 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 or recorded, if feasible.
  - c. Searches incident to the arrest of an occupant shall be limited to any area within reach of the arrestee. The passenger compartment is deemed to be within reach. This search may only occur if the officer has a reasonable belief that he or she will find evidence of the offense for which the occupant was just arrested. 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.)
  - d. 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.
  - e. An entry into the vehicle to examine the VIN or otherwise determine ownership must be limited to these purposes.
  - f. 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.
  - g. Note: If the initial search under the above conditions gives rise to probable cause that evidence, contraband, fruits of a crime, or instrumentalities of the crime might be found elsewhere in the vehicle, officers may search those areas that might reasonably contain such items.

#### 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 permit the search or reasonably imply permission.
  - d. Containers found in or discarded from a vehicle under circumstances not amounting to probable cause or in connection with a search incident to an arrest shall not be searched but shall be secured until a warrant is obtained.
  - e. The abandonment doctrine does apply to containers thrown from a vehicle by a suspect.
3. Procedures for locked containers
  - a. Under most conditions, locked containers shall be opened under a warrant unless one of the following circumstances has been met:
    - i. Consent has been given.
    - ii. Probable cause exists to search the vehicle and the object of the search might be found in the container. (Even in this circumstance, a warrant is preferred.)
    - iii. Inventory, only if a key is present.

#### E. Conduct of the vehicle search

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

While not a search for evidence or contraband, a vehicle inventory may be conducted if the vehicle is to be impounded. Vehicle impound procedures are provided in Policy 7.16.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.5 Search Warrants</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP 7.06	

## I. POLICY

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

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

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

## II. PURPOSE

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

## III. DEFINITIONS

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

- D. Protective Sweep: A quick and limited search of premises incident to an arrest or service of a warrant performed in order to locate other persons inside who might pose a risk to the officers. Officers must be able to articulate a reasonable basis their safety concerns.
- E. Curtilage: Curtilage usually refers to the yard, garden, or any piece of ground that 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 therefrom of the following things as specified in the warrant:
  - a. Weapons or other objects used in the commission of a crime.
  - b. Articles or things the sale or possession of which is unlawful.
  - c. Stolen property or the fruits of any crime.
  - d. Any object, thing, or person, including documents, books, records, paper, or body fluids constituting evidence of a crime.

##### **B. Supreme Court Decisions**

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

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

#### **V. PROCEDURES: Obtaining a Search Warrant**

- A. Prior to obtaining a search warrant, officers should consult a departmental supervisor for review of the probable cause and for approval to seek a search warrant. This review may be conducted by telephone if necessary. If the supervisor approves the warrant application, the supervisor shall notify the Chief of Police immediately and inform the Chief of the circumstances surrounding the offense and the need for the warrant.

B. The approving supervisor will be in charge of the warrant execution. While the lead detective or officer may develop the case information, construct the affidavit, obtain the warrant, and seek assistance from a tactical unit if needed, the approving supervisor is responsible for the proper and safe execution of the warrant, including compliance with this policy.

C. Essential legal requirements

1. To obtain a search warrant, an officer must show probable cause to believe that specific evidence, contraband, or fruits of a crime may be found at a particular place.
2. The officer shall prepare an affidavit that carefully documents specific facts that constitute probable cause. Two kinds of facts must be considered:
  - a. The facts from which the officer concluded that the person or thing is probably located at the place to be searched.
  - b. The facts that address the reliability of the source of the officer's information.
  - c. Facts must be recent.
3. The court considers only those facts presented in the warrant and affidavit.
4. Conclusions and suspicions are not facts.
5. Apart from the officer's personal knowledge or observations, facts may derive from a reliable informant.
6. Reliability of facts is established by the following:
  - a. Personal observation or knowledge possessed by an officer.
  - b. Eyewitnesses who have first-hand knowledge.
  - c. Informants if they have proven to be reliable or if their information is corroborated by personal observation of an officer.

D. Affidavits

1. The accuracy of the affidavit is vital to the validity of the search warrant. CCP 18.01 requires officers to swear to the facts of the affidavit before a judge or magistrate.
2. The affidavit shall include the following elements:
  - a. A detailed description of the place, thing, or person to be searched.
  - b. A description of the things or persons to be seized pursuant to the warrant
  - c. A substantial allegation of the offense in relation to which the search is to be made.
  - d. An allegation that the object, thing, or person to be searched or searched for constitutes evidence of the commission of the offense.
  - e. Material facts that would show that there is probable cause for issuing the search warrant.
  - f. Facts that establish probable cause and that the item or person to be seized is at the location to be searched.

E. Language of the warrant

1. Only the things specified in the search warrant can be seized. (For a discussion of exceptions to this, such as plain-view seizures and searches incident to arrest, see Policy 7.4).

2. The warrant shall state precisely the areas to be searched.
3. If officers wish to search a home and its surroundings, the affidavit must specify a "premises" search and its curtilage, and must identify all outbuildings, such as garages or tool sheds, as appropriate.
4. If motor vehicles to be searched are on the premises, the warrant shall so specify.
5. If searches of specific persons (other than frisks) are to be included during the search, the warrant shall so specify. If the warrant states that all persons present shall be searched, probable cause to do so must be justified in the affidavit.
6. The items to be searched for shall be precisely described. If an item to be searched for may be dismantled (e.g., firearms), the warrant must specify the search for parts, pieces, or components of the item.
7. If officers anticipate searching for and seizing computers or similar complex technological items, experts must be consulted to determine the appropriate language to list in the affidavit and for outlining appropriate guidelines in the warrant for seizure of hardware and software.
8. If time and opportunity permit, the affidavit and warrant should be reviewed by the district attorney or legal counsel prior to presenting it to a magistrate.
9. If officers believe it is in the best interest of officer safety or that evidence may be destroyed if advanced warning is given and wish to utilize a "no-knock" warrant execution, the reasons for that belief should be clearly explained in the affidavit. The magistrate should be requested to review and authorize the no-knock entry.

## **VI. PROCEDURES: Executing a Search Warrant**

### **A. When a search warrant must be executed**

1. An officer is required to execute a warrant within the limitations imposed by statute. If it has not been executed during that time, the officer shall void the warrant and return it to the magistrate who issued it.
2. An officer may execute a search warrant either during the day or at night. The time of day selected to execute the warrant should take into consideration the likelihood that a specific category of individuals will or will not be present, e.g., children or elderly. Officer safety will also be considered in determining when to execute a warrant.

### **B. Preparing to execute the warrant**

1. Before executing the warrant, the on-duty supervisor shall review the warrant and the affidavit and brief the search team officers on the procedures to be followed. The supervisor shall ensure that the entire warrant process is documented. Written reports shall be supplemented with photographs or videotape, if available and appropriate.
2. All members of the search team shall be in uniform or wear a clearly marked outer clothing item with "POLICE" in large letters on the front and back.
3. All members of the search team shall wear protective body armor during the execution of all warrants.

### **C. Gaining entrance to premises**



1. Prior to execution of the warrant, the lead detective shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed.
2. The lead detective shall make a final assessment of the accuracy of the warrant in relationship to the location to be searched.
3. The search team shall first deploy around the premises to be searched, ensuring that all exits are covered.
4. Uniformed officers shall be the most visible members of the search team and shall conduct the initial entry.
5. In most cases the officer shall do all of the following before entering the premises to be searched:
  - a. He/she must announce his/her presence as a law enforcement officer.
  - b. The officer must announce that his/her purpose is to execute a search warrant.
  - c. The officer must wait a reasonable time either to be admitted or refused admission to the premises.
6. When entrance is refused:

An officer who is refused entrance after a reasonable time may force his/her way into the premises using only that force which is applicable to the circumstances. "Reasonable time," in this context, depends on the circumstances. A refusal may be expressed or implied.

  - a. No one has admitted the officer within a time that a reasonable person would expect someone to let the officer in if he or she is going to be admitted at all.
  - b. The officer waiting to be admitted sees or hears suspicious circumstances, such as flushing toilets or footsteps running away from the door, which indicate that someone might be concealing or destroying evidence or trying to escape.
7. No-knock or exigent entry:

In some circumstances a police officer may enter the premises to be searched without announcing his or her presence and purpose before entering. The judicial authority issuing the warrant may add a no-knock entry provision to the warrant. If not, the decision to make a no-knock entry may be made by the on-scene supervisor based on facts that would lead him or her to believe that an announcement would result in one of the following:

  - a. Bodily harm either to the officer or to someone within the premises to be searched.
  - b. The escape of the person to be searched or arrested.
  - c. The destruction of evidence.
8. If circumstances require a no-knock or exigent entry, the first officer to cross the threshold into the premises shall announce that law enforcement officers are executing a warrant. To ensure their own safety officers shall command the occupants to take appropriate action, such as "police, search warrant, get down."

#### D. Conduct of the search

1. Upon entry, the occupant shall be given a copy of the search warrant.
2. The supervisory officer shall ensure that a protective sweep of the site is performed immediately.

3. After the site has been secured, a photographic and/or videotape record of the premises shall be made prior to conducting the search.
4. The search must cease when all the evidence being searched for is located.
5. Officers should exercise reasonable care in executing the warrant to minimize damage to property. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.
6. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.
7. Officers shall not use a search warrant to conduct a fishing expedition, i.e., if the search warrant is for a large item, such as a television set, small places, such as jewelry boxes, may not be searched.
8. An officer may seize only the property listed in the warrant with two exceptions:
  - a. The other evidence is reasonably related to the offense for which the search warrant was issued.
  - b. It is property that the officer knows or has probable cause to believe is evidence of another crime.
9. Currency taken as evidence shall be verified by a supervisor and transported to a safe as designated by department policy.
10. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or in the absence of the same, left in a conspicuous location at the site.

E. Searches of persons found on premises

1. A person's presence on the premises to be searched with a warrant does not, without more evidence than the person's mere presence, give rise to probable cause to search that person beyond a frisk for officer safety.
2. A warrant to search the premises for contraband does carry with it the authority to detain the occupants of the premises while a search is being conducted. If the search of the premises gives rise to probable cause to arrest the detainee, he or she may be arrested and his or her person searched incident to arrest.
3. A person on the premises may be searched if the officer has probable cause to believe that items listed in the warrant are concealed on the person.

**VII. PROCEDURES: High-risk warrant execution**

- A. A high-risk warrant is requested for any situation where it is likely that any special obstacle to the safe, effective execution of the warrant is present, the location has been fortified, or officers may meet armed resistance or other deadly force. This suspicion should be corroborated by intelligence information, for example, information from CCH, C.I. statements, history of location, or the detective's personal knowledge.

- B. High-risk search warrants will utilize an appropriate tactical unit within the jurisdiction for entry and the securing of the premises. This tactical unit may be from another law enforcement agency
- C. The supervisor in charge of executing the warrant will notify the Tactical unit commander through the proper channels and will provide a copy of the warrant and the affidavit.
- D. Upon notification by any supervisor that a tactical unit will be needed to execute a warrant, the tactical unit commander will contact the lead detective and detective supervisor and obtain the details of the warrant execution. This will include a physical inspection of the target, verification of the address, and a physical description.
  - 1. Upon completion of the scouting report, together the lead detective, detective supervisor, and the tactical commander will formulate a plan of execution.
  - 2. The tactical unit commander will notify the number of tactical officers required and tell them when and where they are to report.
  - 3. Use of on-duty patrol officers should be coordinated with the on-duty supervisor to avoid depleting manpower.
- E. A warrant execution briefing will be held. The warrant execution briefing will be conducted by both the lead detective or supervisor and the tactical commander. It will include the supervisor in charge of executing the warrant, the communications supervisor, and all other officers participating in its execution or who will be at the scene. If this is a joint agency task force operation, officers from the participating agency will be present and identified as members of the warrant service team.
  - 1. The lead detective and detective supervisor and the tactical unit commander will lay out in detail the procedures for executing the warrant to all team members. The plan will include but not necessarily be limited to the following:
    - a. The specific items subject to the search as defined in the warrant, and any available information on their location.
    - b. Information concerning the structure to be searched and surroundings, to include floor plans where available, mockups, photos, and diagrams of the location identifying entrances, exits, obstructions, fortifications, garages, outlying buildings, suspect vehicles, and all other points of concern.
    - c. Identification of suspects and other occupants who may be present at the location—incorporating photos or sketches whenever possible—with emphasis on suspect threat potential, as well as the presence of children, the elderly, or others who may not be involved with suspects.
    - d. A complete review of the tactical plan to include the staging area, route of approach, individual assignments for entry, search, management of evidence, custody and handling of seized vehicles, custody of prisoners, and post-execution duties, such as securing the location and conducting surveillance on the site for additional suspects.
    - e. Listing personnel resources and the armament necessary for gaining entry, for the safety and security of officers, or for conducting the search.

- f. Contingency plans for encountering hazardous materials, canines, booby traps, fortifications or related hazards.
    - g. Measures to take in case of injury or accident, to include the nearest location of trauma or emergency care facilities.
    - h. Procedures for exiting the location under emergency conditions.
  2. The entry team shall at all times include uniformed officers who shall be conspicuously present at the place and time the warrant is served. All non-uniformed officers shall be clearly identified as law- enforcement officers by a distinctive jacket or some other conspicuous indicator of office.
  3. All members of the search team shall wear body armor or ballistic vests as designated by the lead detective.
  4. Prior to execution of the warrant, the lead detective shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time.
  5. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed.
  6. The lead detective and detective supervisor shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.
  7. The lead detective shall ensure that the entire search warrant execution process is documented from the beginning until the search team leaves the premises. This written record shall be supported by photographs and, if practical, videotaping of the entire search process.

#### F. Entry Procedures

1. If an advance surveillance team is at the target site, radio contact shall be made to ensure that the warrant can be served according to plan.
2. The search personnel shall position themselves in accordance with the execution plan.
3. An easily identifiable police officer shall knock and notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he or she is a police officer and has a warrant to search the premises, and that he or she demands entry to the premises at once.

Following the knock-and-announce, officers shall delay entry for an appropriate period of time based on the size and nature of the target site and time of day to provide a reasonable opportunity for an occupant to respond (normally between 15 and 20 seconds). If there is reasonable suspicion that the delay would create a high risk to the officers or others, inhibit the effectiveness of the investigation, or permit the destruction of evidence, entry may be made as soon as practicable.
4. Once the entry has been made and the scene secured, the lead detective will perform the search as required in Section VI. D above.

### **VIII. PROCEDURES: Return of the search warrant**


#### A. An officer who has finished a search shall perform the following:

1. Note the date of execution on the search warrant.

2. Make an inventory of all the property seized and leave a copy with the person in charge of the premises.
3. Make return of the warrant within three days following the execution of the search (excluding Saturdays, Sundays, and legal holidays). The return includes the following:
  - a. The search warrant.
  - b. The affidavit.
  - c. Either the inventory of articles seized or a notation that nothing was seized during the search.

B. Responsibility for property seized

1. Officers must provide a rigorous chain-of-custody procedure for all property seized. Documentation must appear in all narrative reports pertaining to the chain of custody of any items seized. The department evidence tag shall be used to identify all seizures.
2. Officers shall place evidence in the property room or locker reserved for the purpose prior to the end of shift.
3. Officers shall observe the property and evidence procedures as detailed in Policy 12.1.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.6 Limited English Proficiency</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b>	

**I. POLICY**

Our country has always been a melting pot of cultures. Throughout our history, individuals with limited English proficiency have found it difficult to clearly understand important rights, obligations, and services. It is, therefore, the policy of this department to take reasonable steps to ensure that all individuals have equal access to the rights, liberties, and services of government, regardless of their national origin or their primary language. (Title VI of the Civil Rights Act of 1964, § 601, 42 USC § 2000d)

**II. PURPOSE**

The purpose of this policy is to establish direction in dealing with members of the public who have limited English proficiency.

**III. DEFINITIONS**

- A. Limited English Proficiency (LEP): This term is used to describe individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes, such as reading or writing. Similarly, LEP designations are context specific. For example, an individual may possess sufficient skills in the use of English to function in one setting but not in others.
- B. Interpretation: The act of listening to a communication in one language and orally converting it to another language while retaining the same meaning.
- C. Translation: The replacement of written text from one language into an equivalent written text of another language.
- D. Bilingual: The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. For purposes of this policy, employees who are identified as bilingual must initially and periodically demonstrate, through a

procedure to be established by the department, a level of skill and competence such that the department is able to determine how their skills can be used.

- E. Authorized Interpreter: An employee or other designated individual who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

#### **IV. COMMUNICATIONS**

##### **A. Receiving and Responding to Requests for Service**

1. In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 911 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 911 lines through any or all of the resources listed below.
2. While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this department by utilizing interpreters or translators, as described above in "Definitions."

##### **B. Emergency Calls to 911**

1. When a 911 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 Individual's Primary Language**

1. Officers may encounter individuals in the field who do not clearly understand spoken English. Officers should be alert to clues that will indicate individuals do not clearly understand the officer.
2. An officer who believes an individual does not clearly understand English will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying the language and failing to provide adequate service.

3. Officers needing assistance in communicating with the individual will utilize other options, including the use of signs and gestures, writing notes, or using others at the scene to attempt to communicate with the individual.
4. Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, is generally not recommended, and departmental personnel shall make case-by-case determinations on the appropriateness of using such individuals.
5. If further assistance is needed, the officer will contact communications in order to locate an interpreter or make contact with the telephone interpretation services.

#### B. Field Enforcement and Investigations

1. Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.
2. Although not every situation can be addressed in this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless for an officer to request consent to search if he/she is unable to effectively communicate with an LEP individual.

#### C. Investigative Interviews

1. In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identifying the contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.
2. Any person selected as an interpreter and/or translator must (1) have demonstrated competence in both English and the non-English language involved, (2) have knowledge of the functions of an interpreter that allow for correct and effective translation, and (3) not be a person with an interest in the case.
3. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

#### D. Custodial Interrogations and Booking

1. In an effort to ensure that the rights of LEP individuals are protected this department places a high priority on providing competent interpretation during arrests and custodial interrogations. It is further recognized that miscommunication during custodial



interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. Toward this end, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

- 2.If time and opportunity exist, the district attorney should be consulted regarding the proper use of an interpreter prior to any interrogation.
- 3.In order to ensure that translations during criminal investigations are documented accurately and that they are admissible as evidence, interviews with victims and all interrogations should be recorded whenever possible.
- 4.Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. It is important for members of this department to make every reasonable effort to provide effective language services in these situations. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms that manifest themselves upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners.

#### E. LEP Contacts and Reporting

When interpretation or translation services are provided to any involved LEP individual such services should be noted in the related report or any other required documentation.

### **VI. DEPARTMENTAL RESPONSE FOR LEP**

- A. Since there are potentially hundreds of languages department personnel could encounter, the department has and will continue to utilize the four-factor analysis outlined by the Department of Justice in determining which measures will provide reasonable and meaningful access to various rights, obligations, services, and programs to individuals within this jurisdiction. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and requires an ongoing balance of the following four factors:
  - 1.The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel or who may benefit from programs or services within the department's jurisdiction or a particular geographic area.
  - 2.The frequency with which LEP individuals are likely to come in contact with department personnel, programs, or services.
  - 3.The nature and importance of the contact, program, information, or service provided.
  - 4.The cost of providing LEP assistance and the resources available.
- B. As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the department or on department personnel.

C. While this department will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

D. Types of LEP Assistance.

1. Department-provided assistance. Depending on the balance of the four factors listed in A above, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section
2. Non-departmental assistance. LEP individuals may elect to accept interpreter services offered by the department at no cost, or they may choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the department or decided to use a resource of his/her own choosing.
3. Non-certified employee interpreters. Employees utilized for LEP services need not be certified as interpreters, but must have demonstrated, through established department procedures, a level of competence to ascertain whether the employee's language skills are best suited to monolingual (direct) communications, interpretation, translation or all or none of these functions.
4. Out-of-department assistance. When bilingual employees of this department are not available, employees from other city departments who have the requisite training may be requested.

E. Written Forms and Guidelines

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The department will arrange to make these translated forms available to departmental personnel and other appropriate individuals.

F. Telephone Interpreter Services

The communications section will maintain a list of qualified interpreter services which, upon approval of a supervisor, can be contacted to assist LEP individuals. Such services shall be available to, among others, department personnel who have access to official cellular telephones.

G. Community Volunteers and other Interpretive Sources

Where competent bilingual departmental personnel or other certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches,

neighborhood leaders, and school officials. NOTE: If these outside resources are used, department personnel should ensure that these community members are able to provide unbiased assistance.

#### H. Complaints

The department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of departmental duties. The department may do so by providing interpretation assistance or translated forms to such individuals. The department's response to complaints filed by LEP individuals will be communicated in an accessible manner.

#### I. Community Outreach

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

#### J. Training

In an effort to ensure that all employees in public-contact positions or employees having contact with those in custody are properly trained, the department will provide periodic training to personnel about departmental LEP policies and procedures, including how to access department authorized, telephonic, and in- person interpreters and other available resources.

#### K. Interpreters and Translators

1. Training: Employees called upon to interpret, translate, or provide other language assistance will be trained on language skills, competency (including specialized terminology), and ethical considerations.
2. Assessment: Department personnel identified as bilingual who are willing to act as authorized interpreters will have their language skills assessed by a professional interpreter using a structured assessment tool. Those employees found proficient in interpreting into and from the target language will be placed on the authorized-interpreters list.
3. Reassessment for Authorized Interpreters: Those persons who have been placed on the authorized interpreter list must be re-assessed periodically
4. Additional or refresher language training will be provided by the department periodically.
5. Employees will be responsible for maintaining their proficiency and having their training and assessment results maintained in the training record.
6. The communications supervisor will ensure that the authorized-interpreters list is kept current and a copy of the current list is maintained in the communications center.


#### L. Supplemental Materials Provided

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

1. Listing of departmental bilingual employees, languages spoken, contact, and shift information.
2. Listing of department certified interpretation services bilingual interpreters, languages spoken, contact, and availability information.
3. Phone number and access code of telephonic interpretation services.
4. Language identification card.
5. Translated Miranda-warning cards and other frequently used documents.
6. Any audio recordings/warnings that are developed in non-English languages.

#### M. LEP Coordinator

1. The Chief of Police will appoint a department supervisor as LEP coordinator who is to be responsible for coordinating and implementing all aspects of the LEP services.
2. Using the four- factor analysis, the LEP coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.
3. The LEP coordinator will also be responsible for annually reviewing all new documents issued by the department to assess whether they should be translated.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.7 Communication with the Deaf or Hard of Hearing</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">Chief of Police</div>	
	<b>Reference:</b>	

**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 disposal to ensure appropriate understanding by those who are deaf or hard of hearing.

**II. PURPOSE**

It is the purpose of this policy to outline the management of communication with individuals who are deaf or hard of hearing.

**III. GENERAL PRINCIPLES**

- 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 are 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.

**IV. PROCEDURES**

Communication problems in police-public encounters provide the basis for potential frustration and embarrassment. Failure of officers to recognize that a person has a 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 hard of hearing. 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 instructions or to reply to 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 interacting with persons who are, or who are suspected of being, deaf or hard of hearing, 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 deaf or hearing impaired, officers shall determine by written or other forms of communication the person's preferred means of communication—sign language, reading and note writing, lip reading, or speech.
4. For persons who use sign language, a family member or friend may interpret (1) under emergency conditions or (2) in minor situations and 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.
6. Officers must realize that deaf or hard-of-hearing persons may require more time to understand and respond to commands, instructions, and questions than those who hear well.

## **V. COMMUNICATION AIDS**

Various types of communication aids --- known as "auxiliary aids and services" --- are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication, an exchange of written notes, use of a computer or typewriter, use of assistive listening devices (to amplify sound for persons who are hard of hearing), and use of qualified oral or sign-language interpreters.

- A. 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. 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.
- B. 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.
- C. 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 Chief or his or her designee may make this determination.
- D. 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.
- E. 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.

## **VI. ON-CALL INTERPRETIVE SERVICES**

- A. The agency will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed. Each of these services will be chosen after having been screened for the quality and skill of its interpreters, its reliability, and other factors such as cost. The agency will update this list annually.
- B. A qualified sign-language or oral interpreter has the following characteristic:
1. Must be able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

2. 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.

NOTE: Certification is not required in order for an interpreter to be “qualified.” For example, a certified interpreter who is skilled in American Sign Language would not be qualified to interpret for a person who uses Signed English. Some who are certified might not be familiar with law enforcement terms or phrases.

- 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.

## **VII. ARREST SITUATIONS**

- A. Recognizing that some persons need their hands free in order to communicate, officer should not use handcuffs unless it is absolutely necessary for the safety of officers or others. If handcuffs are required, all essential communication with the suspect should be completed prior to their application if at all possible.
- B. Deaf persons and persons who have severe hearing impairments often have poor verbal communication skills. Their speech may be incoherent or otherwise resemble that of an individual who is intoxicated. They may have difficulty with equilibrium. 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.

## **VIII. TTY AND RELAY SERVICES: Emergency call takers and dispatchers**

- A. The emergency call center of this agency shall be equipped to receive calls from TDD, and computer modem users and all call takers will be trained to communicate with callers using TTY and TDD equipment.
- B. The deaf and hearing impaired shall be provided with direct, equal access to all emergency services provided by this department by communication through TTYs, TDDs, or alternative devices that are equally effective.
- C. Emergency call takers shall place a high priority on response to emergency calls for service from persons who are deaf or hearing impaired.




- D. All call takers and dispatchers shall receive training in the use of TDDs, TTYs, and related devices as well as training in procedures and techniques for handling callers who have communication difficulties.
- E. All call takers and dispatchers shall receive training on the use of relay systems.

## **IX. 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 situations that officers frequently encounter. These situations include the following:

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 a 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> ]

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.8 Arrests of Transgender, Intersex, Gender Nonconforming (TIGN) Individuals</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b>	

## I. POLICY

It is the policy of this department to recognize the rights of all persons and to treat all persons with the dignity and respect due every individual as a human being. Personnel will act, speak, and conduct themselves in a professional manner, recognizing our obligation to safeguard life and property and to maintain a courteous, professional attitude in all contacts with the public. Personnel will not exhibit any bias or prejudice and they will not discriminate against an individual or group of TIGN individuals. Department personnel shall take all necessary precautions to ensure the safety of TIGN individuals who are arrested and detained.

Inappropriate or disrespectful interactions with TIGN individuals can interfere with the ability to provide police assistance. A pattern of this kind of conduct can generate a climate of fear or apprehension in which TIGN individuals are afraid or are too uncomfortable to report crime, limiting the department in its ability to provide a safe community.

## II. PURPOSE

The purpose of this policy is to establish standards for interactions with transgender, intersex, and gender nonconforming (TIGN) individuals that provide safety and respect for all persons. It also defines certain terms that pertain to processing TIGN individuals and establishes procedures for processing and holding TIGN arrestees.

## III. DEFINITIONS

- A. Gender Identity or Expression: The actual or perceived identity or behavior of a person as being male or female.
- B. Transgender: Refers to any person whose gender identity or expression differs from the one which corresponds to the person's sex at birth. This term includes transsexuals, intersex individuals, and those whose identity is perceived to be gender nonconforming.

- C. Sexual Orientation: An individual's enduring romantic, emotional, and/or sexual attraction to individuals of a particular gender.
- D. Intersex: an individual displaying sexual characteristics of both male and female.
- E. Cross-Dresser: A term that refers to individuals whose clothing is typically associated with the clothing of the opposite sex.

#### **IV. PROCEDURES**

##### **A. Determining Transgender Status**

1. Officers shall follow the below procedures governing interactions with transgender persons when either of these conditions are met:
  - a. An individual explicitly informs an officer that he/she is a transgender person.
  - b. An officer has good reason to believe that the individual is a transgender. Good reason may be based on apparent intention of gender appearance and presentation, reasonable observation, frisking that inadvertently discloses transgender status, background checks, third-party information, and routine policing procedures.
2. When an individual self-identifies as a transgender person, officers shall not question this identity or ask about the person's surgical status except for compelling and professional reasons that can be clearly articulated.

##### **B. When coming into contact with a TIGN individual, personnel will do the following:**

1. Respectfully treat TIGN individuals in a manner appropriate to the individual's gender expression.
2. Use pronouns as requested by a TIGN individual. Use "she," "her," "hers" for a person who self-identifies as a female. Use "he," "him," "his" for an individual who self-identifies as a male.
3. When requested, address the TIGN individual by a name based on their gender rather than that which is on their government-issued identification.
4. If a custodial arrest is made, conduct field searches as prescribed in Department Policy 7.4 Searches Incident to Arrest.
5. If a custodial arrest is made, and the individual has had gender change operative procedures and considers himself/herself a gender different than at birth, personnel should check for warrants under both genders.

##### **C. When coming into contact with a TIGN individual, personnel will not do the following:**

1. Stop, detain, frisk, or search any person for the purpose of determining that person's gender or in order to call attention to the person's gender expression.
2. Use language that a reasonable person would consider demeaning or derogatory, specifically language aimed at a person's actual or perceived gender identity or expression or sexual orientation.

3. Consider a person's gender identification as reasonable suspicion or prima facie evidence that the individual is or has engaged in a crime.
4. Disclose an individual's TIGN identity to other arrestees, the public, or non-department individuals absent a proper law enforcement purpose.

D. Responders to domestic-violence situations shall respond to transgender individuals in a manner that is appropriate to their gender identity. When responding to a domestic violence call, officers will not automatically determine the batterer and survivor based on actual or perceived gender identity and/or sexual orientation but rather on an assessment of the particular situation.

## **V. GENDER CLASSIFICATION OF TIGN ARRESTEES**

- A. For purposes of departmental records and operations, an arrestee's gender will be classified as it appears on the individual's government-issued identification card.
- B. Arrestees who are post-operative gender re-assigned are the exception to the government-issued identification card.
  1. Male-to-female will be processed as female.
  2. Female-to-male will be processed as male.
- C. In the event that a government-issued identification is unavailable, the following criteria will be used in determining gender.
  1. An arrestee who has male genitalia will be classified as a male.
  2. An arrestee who does not have male genitalia will be classified as a female.
- D. In the event a TIGN individual objects to any questioning regarding this sexual classification, the officer should explain the need for searching prior to transport, and the officer should attempt not to unduly embarrass the individual by using an inappropriate search method or jeopardize the individual's safety by inappropriate placement in the holding facility.
- E. In the event that there is uncertainty regarding the appropriate classification of an arrestee's gender, a supervisor will be consulted for further guidance on the appropriate classification.

## **VI. SEARCHING AND TRANSPORT OF TIGN INDIVIDUALS**

- A. Searches of TIGN individuals:
  1. Field searches will be conducted by a member who is the same gender as the arrestee based on the gender guidelines as prescribed in Section V of this policy and in accordance with established department search procedures.
  2. Personnel taking a TIGN individual into custody, accepting custody from another, or conducting a custodial search will be responsible for conducting a thorough search in accordance with established department procedures.


- 3.If or when requested by a TIGN individual, department personnel of the TIGN individual's gender identity or expression will be present to observe the custodial search. When practical, the observing member will be a sworn supervisor.
- 4.Personnel will not conduct more frequent or more invasive searches of TIGN individuals that other individuals.
- 5.Requests to remove identity-related items -- such as prosthetics, clothing, wigs, and cosmetic items -- will be consistent with requirements for the removal of similar items from non-TIGN arrestees.
- 6.The possession of a needle that is purported to be for hormonal use will not be presumed to be evidence of criminal misconduct, specifically if the person or arrestee has documentation from a physician for being in the process of a sex modification.

B. Transporting TIGN Individuals:

- 1.Whenever practical, TIGN arrestees will be transported alone.
- 2.When requested by a TIGN individual, department personnel of the TIGN individual's gender identity or expression, if available, will be present during the transport.
- 3.In situations with multiple TIGN arrestees, mass arrests, where a TIGN individual's gender identity or expression is unavailable, or where individual transport is not practical, TIGN arrestees will be transported by gender classification.

**VII. HOUSING OF TIGN ARRESTEES**

- A. In all cases where a TIGN arrestee is turned over to any other authority for processing or holding it is the officer's responsibility to ensure the receiving officer is made aware of the arrestee's status.
- B. TIGN arrestees held in our holding facility will be processed and held in accordance with Policy 10.1 "Holding Facility Operations."

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.9 Citizen or Media Recording of Police Activity</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <b>Chief of Police</b>	
	<b>Reference:</b>	

**I. POLICY**

It is the policy of this department that the seizure and searching of portable video, audio, and photo recording devices shall be governed by United States and Texas constitutional and statutory law,s as well as departmental policies.

**II. PURPOSE**

The purpose of this policy is to establish guidelines and procedures for investigation, seizure, and searching of portable video, audio, and photo recording devices that contain data of an evidentiary value pertaining to a criminal act.

**III. PROCEDURES**

A. General

1. The department recognizes that the taking of photographs and/or videos by private citizens and media personnel is permitted within areas open to general public access and occupancy.
2. Any civilian or media personnel may video record or photograph a police employee’s activities as long as he/she abides by the following guidelines:
  - a. Remains at a reasonable distance
  - b. Does not interfere with the duties and responsibilities of law enforcement personnel
  - c. Does not create a safety concern for the law enforcement employee, any person involved in a law enforcement incident, or any other persons.
3. Non-sworn employees are prohibited from seizing a person’s portable video, audio, and/or photo-recording devices.

B. Initial Stop of an Individual Non-Media Photographer or Videographer: A sworn employee who stops an individual who is reasonably believed to have recorded/captured data of evidentiary value pertaining to a criminal shall do the following:

1. Announce his/her authority and identity.
2. Non-uniform sworn employees shall identify themselves by prominently displaying departmental credentials.
3. Advise the individual of the purpose of the stop.
4. Ask the individual whether he/she recorded/captured data relevant to the incident.
5. Request that the individual provide their personal identification and contact information.
6. Detain the individual no longer than necessary to effect its purpose.

Note: Brevity is important in determining whether or not a stop is reasonable. A prolonged stop may be warranted if the employee reasonably and diligently pursues investigative means to determine whether the detained individual possesses data that may have evidentiary value, and to confirm the person's identity.

C. Consent to Search and/or Seize Portable Video, Audio, and/or Photo Recording Devices belonging to an Individual (Non-Media Photographer/Videographer)

1. Sworn employees may ask an individual for consent to a search and/or seizure of a portable photo and/or video recording device to determine if data of evidentiary value pertaining to a criminal act is present.
2. The employee's supervisor shall be notified immediately after any seizure and prior to any search of the device.
3. The supervisor shall determine whether an immediate search is warranted or a CIU detective should respond.
4. If a consensual seizure occurs, the property shall be inventoried and documented by the seizing sworn employee pursuant to SOP #006 – Property and Evidence.
5. Authorization to search the device shall be documented by the seizing sworn employee on a consent-to-search form.
6. The seizing sworn employee shall accurately and completely document the basis for the seizure and findings of the search in a case report/offense incident report.

D. Non-consensual Seizure of Portable Video, Audio, and Photo Recording Devices of an Individual (Non-Media Photographer/Videographer)

1. When there is probable cause to believe that the portable video and/or photo recording device depicts visual and/or audio items pertaining to a criminal act, the device may be seized without consent if exigent circumstances exist.
2. The most common type of exigent circumstance is the imminent destruction of evidence. Two requirements must be met for this exigency to exist:

- a. Sworn employees must have probable cause to believe that evidence that can be destroyed exists;
- b. Sworn employees must have reason to believe the evidence might be destroyed if they delay taking action until a subpoena/search warrant is issued.
3. The sworn employee's supervisor shall be notified immediately after any seizure, and the supervisor shall respond to the scene.
4. No search of the device shall be conducted until a subpoena/search warrant is issued unless there is reason to believe that the immediate search of such materials is necessary to prevent the death of, or serious bodily injury to, a human being.
5. A sworn employee's response to an individual's resistance to a non-consensual seizure shall be in compliance with "SOP #017 – Use of Force."
6. The seizing sworn employee shall accurately and completely document the basis for the seizure in a case report/offense incident report.
7. If a non-consensual seizure occurs, the property shall be inventoried and documented by the seizing sworn employee pursuant to "SOP #006 – Property and Evidence."

#### E. Initial Stop of Media Personnel

1. A sworn employee who stops a media photographer/videographer believed to have recorded/captured data of evidentiary value pertaining to a criminal act shall do the following:
  - a. Announce his/her authority and identity
  - b. Non-uniform sworn employees shall identify themselves by prominently displaying departmental credentials
  - c. Advise the media person of the purpose of the stop
  - d. Ask the media person whether he/she recorded/captured data relevant to the incident
  - e. If the media person acknowledges recording/capturing relevant data and agrees to allow review and/or supply a copy to the department, the sworn employee shall do the following:
    - i. Immediately notify his/her supervisor and CIU
    - ii. Collect and document receipt of the data pursuant to "SOP #006 – Property and Evidence"
    - iii. Document the request and response on a case report/offense incident report.
  - f. If the media person acknowledges recording/capturing relevant data and refuses to allow review and/or provide a copy of the recorded/captured relevant data, or refuses to state whether he/she recorded/captured relevant data, the sworn employee shall do the following:
    - i. Immediately notify his supervisor and CIU
    - ii. Instruct the media person not to destroy, alter, or delete the recorded/captured relevant data
    - iii. Document the request and refusal on a case report/offense incident report



- iv. Assist CIU to prepare appropriate subpoena and/or warrant documents for production of the requested data
    - v. Request that the media person provide their personal identification, media credentials, and contact information.
  - g. The stop shall last no longer than necessary to effect its purpose.  
NOTE: Brevity is important in determining whether or not a stop is reasonable. A prolonged stop may be warranted if the employee reasonably and diligently pursues investigative means to determine whether the media person possesses data that may have evidentiary value, and to confirm the person's identity.
- 2. Sworn employees shall not seize portable video, audio, and/or photo recording devices from media personnel unless they are under arrest or otherwise directly involved in the criminal act.
- 3. A warrantless search of portable video and/or photo recording devices seized incident to the direct involvement or arrest of media personnel is prohibited unless there is reason to believe that the immediate search of such materials is necessary to prevent the death of, or serious bodily injury to, a human being.

#### F. Supervisory Notification

- 1. The employee's supervisor shall be notified immediately after the seizure of a portable video, audio and/or recording device, whether consensual or non-consensual, and advised of the following:
  - a. The totality of the circumstances surrounding the stop and seizure
  - b. The type of device seized
  - c. The status of the person from whom the device was seized (e.g. detained, arrested, etc.).

#### G. Supervisor's Responsibilities

- 1. The supervisor shall do the following:
  - a. Immediately respond to the scene
  - b. Ensure that the circumstances surrounding the stop and seizure as conveyed by the sworn employee are serious enough to warrant the stop and seizure, that the stop and seizure were appropriate in the given circumstances, and that the actions of the officer were in compliance with this general order and the department's SOP.
  - c. If the supervisor determines that the stop and seizure is appropriate, he/she shall determine whether an immediate search of the portable video, audio, and/or photo-recording device by the sworn employee is warranted.
  - d. If the supervisor determines that the seizure is not appropriate, he/she will ensure that the portable video and/or photo recording device is immediately returned and the person detained is made whole.
  - e. The supervisor shall document these findings in a case supplemental report/supplemental report.

- f. Ensure that the seizing sworn employee documents the circumstances and actions taken in a case report/offense incident report.
- g. Ensure that all required documentation is completed.
- h. Ensure that proper evidence handling protocols are followed.
- i. Ensure that the criminal investigations unit (CIU) has been notified.
- j. Ensure that a use of force report is completed if necessary.
- k. Ensure that any questions or concerns regarding the appropriateness of the stop and/or seizure shall be immediately directed to the next supervisory level in the chain-of-command.
- l. Ensure that the public information office is notified, if the supervisor believes that is necessary.

#### H. Impounding of Property


A sworn employee who impounds any portable video, audio, or photo recording device shall complete a property receipt form and mark the evidence type as “investigatory evidence.”

#### I. Prohibited Actions

1. Employees shall not order or participate in the destruction of any portable video, audio, or photo recording devices.
2. Employees shall not order or participate in the erasure, deletion, or destruction of digital, analog, or film evidence.
3. Employees shall not impede a person’s right to photograph or video record an event unless that person’s actions will have any of the following effects:
  - a. Endangering the safety of the public, employees, or property
  - b. Interfering with an active crime scene
  - c. Creating a reasonable safety concern.

#### J. Statutory Limitations and Liability

1. Pursuant to federal statute, 42 USC Section 2000aa-6, it is unlawful for a sworn officer or employee, in connection with an investigation or prosecution of a criminal offense, to search for or seize the work product of a media photographer or videographer except in the following circumstances:
  - a. There is reason to believe that the immediate seizure of such materials is necessary to prevent the death of, or serious bodily injury to, a human being;
  - b. There is probable cause to believe that the person possessing such materials has committed or is committing the criminal offense to which the materials relate.
2. A search or seizure of the work product is prohibited when the offense is merely the withholding of such material.
3. Sworn officers and employees may be held personally liable in an action for civil damages for violation of federal statute, 42 USC Section 2000aa-6.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.10 Prisoner Restraints</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP 10.01e	

## I. POLICY

The officer's responsibility for the safe custody of prisoners permits some discretion in the use of handcuffs and other restraining devices. The department requires officers to observe their own safety and that of the people they transport by carefully utilizing restraints on prisoners (except children) who must be taken to a jail or some other location. See also Policy 7.11, Transporting Prisoners.

## II. PURPOSE

The purpose of this policy is to establish guidelines for the use of handcuffs and other restraining devices.

## III. PROCEDURES - Arrested Persons

### A. General

1. Officers shall handcuff all arrested adults unless the application of handcuffs will aggravate or cause injury due to age, infirmity, physical condition or prior injury.
2. Officers must be able to justify any exception they make to the policy that all arrested adults must be handcuffed, with particular attention to safety issues.
3. A prisoner who is not handcuffed shall be transported in a vehicle with a prisoner cage, and two officers shall conduct the transport.
4. Juveniles should not be handcuffed unless they have been taken into custody for a violent offense, pose an escape risk, or where the officer reasonably believes handcuffing is necessary for the safety of the juvenile or the officer.

### B. Handcuffs

1. In most circumstances safety concerns mandate that arrested subjects should be handcuffed. Officers must be able to justify exceptions with particular attention to the risks involved when no handcuffs are used. Listed below are some possible exceptions:
  - a. Children under 10 years of age
  - b. Pregnant females
  - c. Handicapped or disabled suspects

d. Elderly suspects

2. Normally, officers shall handcuff a subject with the hands in back, but they may choose to handcuff hands in front if the suspect is handicapped or disabled. If the suspect is handcuffed in front, officers should secure the handcuffs to the body by use of a belt if possible.

3. Officers shall double lock the handcuffs. This will help ensure prisoner and officer safety. Double locking reduces the chance of having the lock picked or that the handcuff will accidentally tighten, which could restrict circulation.

4. Officers shall apply the handcuffs according to recognized professional standards, which means no hard strikes to the wrist and no over tightening of the handcuffs.

5. Individuals will not be handcuffed to any portion of a police vehicle during transport.

C. Body Belt: The body belt allows the officer to handcuff the prisoner in front while still restricting the movement of the prisoner's arms and hands. The body belt will be used when the officer deems it appropriate.

D. Ankle Shackles: Ankle shackles shall be used by officers when transporting any prisoner they have reason to believe might be an escape risk or when circumstances deem it appropriate.

E. Plastic Handcuffs: Plastic handcuffs shall be used when officers take several prisoners into custody, or when a prisoner requires multiple restraints. Officers must understand that, once applied, plastic handcuffs can be removed only with a knife, scissors, or other cutting instrument.

#### **IV. PROCEDURES -- Persons not arrested**

A. If officers have a reasonable suspicion that an individual has been involved in a violent offense, handcuffs may be applied to such individuals while officers investigate the incident. This restraint should be for safety reasons, and the officers should be able to articulate the reasons for their safety concern.

B. Persons not arrested but who are subject to detention may be restrained under the following circumstances:

1. Suspects shall be handcuffed only as long as necessary 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.

4. If an individual is handcuffed or otherwise restrained for officer safety reasons during an investigation and later released, officers shall document their actions in an offense or incident report and include the reasons officers handcuffed the individual, the approximate length of time of the restraint, and the results of the investigation.

#### **V. SPECIAL CIRCUMSTANCES -- Restraint prohibitions**


A. Officers shall not place subjects in a prone position with the both hands and ankles restrained with the such restraints also bound together.

B. As soon as any suspect who is lying on his or her stomach has been handcuffed, officers shall roll the suspect onto his or her side or place the suspect in a sitting position.

C. Suspects shall never be transported in a prone, face-down position.

D. All suspects will be monitored during custody and transport for indications of medical problems, and medical treatment will be obtained if the officer believes it is needed.

E. Officers should be aware that intoxication, recent use of drugs or alcohol, the presence of a head injury, obesity, physical disability, and recent exertion are all circumstances that can increase difficulty breathing when a person is restrained.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.11 Prisoner Transportation</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP 10.01, 10.10, and 10.12	

## I. POLICY

Transportation of persons in custody is a constant requirement and a frequent activity. Transportation usually occurs in two instances. The first is immediately after arrest when the arrestee is taken by the arresting officer for booking and holding or transfer to another facility. The second concerns the movement of prisoners from the detention facility for various reasons, such as to the county jail, to a hospital or other medical facility, to court, and for other reasons. Transporting prisoners is a potentially dangerous function. Therefore, it is the policy of this law enforcement agency to take the precautions necessary while transporting prisoners to protect the lives and safety of officers, the public, and the person in custody.

## II. PURPOSE

The purpose of this policy is to establish procedures to ensure that prisoners are transported safely.

## III. PROCEDURES

### A. General

1. All prisoners shall be transported in secure, caged vehicles, unless such a vehicle is not available.
2. In no case shall a juvenile known or believed to be under the age of 17 years be transported with adults suspected of or charged with criminal acts.
3. When picking up a prisoner from any facility, the officer shall verify the identity of the prisoner.
4. The transporting officer shall obtain from the custodian of the prisoner any paperwork, property, or medical records that should accompany the transfer of the prisoner.

### B. Searching the prisoner

1. The transporting officer shall always search a prisoner before placing him or her into the vehicle, regardless of whether the prisoner has been previously searched.
2. Officers must never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner.
3. The transporting officer shall conduct a search of the prisoner each time the prisoner enters custody of the officer.

4. When handling and searching prisoners, officers shall remain mindful of the department's plan for the control of infectious diseases and shall use personal protective equipment when necessary.

5. Any items removed from the prisoner prior to transport will be securely maintained and returned to the prisoner or turned in to the booking officer upon arrival at the location of detention for placement in the prisoner's property.

#### C. Searching the police vehicle

The transporting officer shall search the vehicle immediately before each prisoner transport to ensure that no contraband or weapons are available to the prisoner. Further, after delivering the prisoner to his/her destination, officers shall again search the police vehicle to ensure that the prisoner did not hide anything in the vehicle.

#### D. Transport equipment

1. Most marked vehicles are equipped with a metal or plastic screen to separate the front and rear compartments. Normally, these vehicles will be used in all prisoner transports in order to prevent prisoner access to the driver's compartment.
2. All vehicles equipped with metal or plastic screen barriers and used in transporting prisoners will have the rear interior door and window handles removed in order to minimize the risk of escape by prisoners being transported.
3. At the beginning of each shift and before transporting prisoners, officers shall check their vehicles for proper security measures and any contraband.

#### E. Positioning of prisoners in the transport vehicle

1. When an officer transports a prisoner in a caged vehicle, the prisoner shall be positioned in the rear seat and secured with a seat belt. Further, the prisoners shall be handcuffed with their hands behind their backs, palms outward, except for the exceptions detailed in Policy 7.10.
2. When a single officer transports a prisoner in a non-caged vehicle, the prisoner shall be placed in the right front seat and secured with a seat belt. The prisoner shall be handcuffed with his or her hands behind the back, palms outward.
3. A single officer shall never transport two or more suspects in a non-caged vehicle unless directed to do so by the on-duty supervisor.
4. If more than one officer transports prisoners in a non-caged vehicle, the following procedures shall be observed:
  - a. One officer shall sit in the rear of the transporting vehicle behind the driver with the prisoner on the rear passenger side with the seat belt fastened.
5. Officers shall not transport prisoners who are restrained in a prone position. Doing so increases the risks of medical complications.

#### F. Control of prisoners while transporting: Observation and Medical Assistance

1. During custody and transportation, officers shall continually observe the prisoner, even when it becomes necessary to allow the prisoner the use of a toilet.
2. If a prisoner appears lethargic, particularly after an active confrontation with officers, or is unresponsive, immediate medical help may be necessary. The officer should observe the suspect carefully and if the officer is in any doubt about the prisoner's health medical assistance shall be summoned immediately.
3. Officers should ask an apparently ill prisoner if he or she wishes medical assistance.
4. The transporting officer shall advise the receiving officer or deputy of any medical conditions of the prisoner, or any suspicions or concerns about the prisoner's physical or mental health.
5. Prisoners shall not be left unattended at any time during transport with the exception of situations in section G. below.

**G. Stopping to provide law enforcement services while transporting**

1. When transporting a prisoner, the transporting officer shall provide law enforcement services only under the circumstances listed below:
  - a. A need exists for the transporting officer to act immediately in order to stop or prevent a violent act and prevent further harm to a victim.
  - b. A person has been injured and assistance is required immediately.
2. In the above situations, the transporting officer shall ensure at all times that the prisoner is secured and protected.
3. Under no circumstances shall an officer transporting a prisoner engage in a pursuit.

**H. Escape:** If a prisoner escapes while being transported, the transporting officer shall observe the following procedures:

1. Request assistance immediately from the jurisdiction the officer is in at the time of the escape.
2. Provide dispatch with the following information:
  - a. Location.
  - b. Direction and method of travel and means of escape.
  - c. Name and physical description of escapee.
  - d. Possible weapons possessed by the escapee.
  - e. Pending charges.
3. Try to recapture the escapee as soon as possible.
4. Submit a written report to the Chief of Police as soon as practicable explaining the circumstances of the escape.

**I. Prisoner Communication:** The transporting officer shall not allow prisoners to communicate with other people while in transit unless, in the judgment of the officer, the situation requires it.

**J. Arrival at Destination:** Upon arriving at the destination, the transporting officer shall observe the following procedures:



1. Firearms shall be secured in the designated place at the facility being entered. If there is no designated place, the firearms shall be locked inside the trunk of the police vehicle.
2. Restraining devices shall be removed only when the officer is directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
3. The proper paperwork (booking sheet, arrest report, property form, etc.) shall be submitted to the receiving facility and, in situations that require it, the officer shall ensure that proper signatures are obtained on paperwork to be returned to the department.

K. Sick/injured prisoners and medical facilities

1. Any time -- before, during, or after an arrest -- that the prisoner is injured or becomes sick, the officer shall seek medical attention immediately. Medical attention shall be obtained before transporting the prisoner to the jail if the injury/sickness happens before they arrive at the jail.
2. The transporting officer shall use discretion in the use of restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be incapacitated restraining devices are not appropriate.
3. As a rule, do not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.
4. If the prisoner refuses treatment, the prisoner shall be asked to sign a medical-refusal form or notation of such on a hospital release form. The attending physician or a nurse should sign the form as witnesses. If the prisoner refuses to sign the form, the officer should obtain two witnesses to the refusal, for example, a hospital staff member, another officer, or fire/rescue personnel). The form must be given to the jail during booking.
5. If the prisoner must be admitted to the hospital, the officer shall release the prisoner to the hospital only after consulting the on-duty supervisor. The supervisor, in turn, shall consult the magistrate or the City judge.
6. The prisoner shall be kept under observation at all times and, normally, restraining devices shall be used. Officers shall consult with medical personnel concerning the use of restraining devices.
7. The supervisor shall observe the following procedures to ensure control of the prisoner:
  - a. If the prisoner is admitted and the prisoner was arrested for a felony, arrange for guards.
  - b. Request the presence of a magistrate and arrange for the magistrate's transportation to the hospital so that bail can be set.
  - c. Assist the magistrate in arraigning the prisoner, if necessary, or stand by while the magistrate issues a warrant.
  - d. Serve the warrant, if one has been issued.

- e. Arrange for a guard to be maintained until the prisoner makes bond or the case is filed if the magistrate will not release the arrestee on personal recognizance.
- f. When the case is filed attempt to transfer responsibility to the sheriff's office.
- g. Brief every officer on the duties of guards and ensure that guards have radios.
- h. Ensure that guards are checked periodically and relieved as necessary until sheriff's deputies relieve them.

L. Special transport problems:

- 1. Transport of prisoner by officer of different sex than prisoner.
  - a. When transporting a prisoner of one sex by an officer of another sex, an additional officer may be requested to accompany the transport.
  - b. At a minimum the transporting officer shall do the following:
    - i. Contact the dispatcher by radio and request that the time and odometer mileage be logged.
    - ii. Go directly to the destination by using the shortest practical route.
    - iii. Upon arrival at the destination, contact the dispatcher by radio and request that the time and the odometer reading be logged.
- 2. Prisoner with disabilities
  - a. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport conveniently, and safely for both the prisoner and the officer.
  - b. The officer may request the dispatcher to contact the fire department or ambulance for assistance in transporting.
  - c. The transporting officer shall take whatever special equipment or medicine is necessary for the prisoner.
  - d. With a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or officer exists restraining devices may be inappropriate.
  - e. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.
  - f. Department personnel have an obligation to provide a "reasonable accommodation" for disabled prisoners. This obligation requires officers to ensure disabled prisoners are not subjected to the possibility of injury or handling of a disrespectful nature during arrest and transportation procedures.
- 2. Dangerous/security-risk prisoners. When a prisoner is considered dangerous or a security hazard, the receiving agency or the sheriff's courtroom security personnel shall be notified before the transport takes place in order to plan how best to minimize any chance of escape or of injury to the prisoner or anyone else.

L. Restraining devices: When prisoners are restrained during transport, the following procedures shall be followed unless circumstances require an alternate method:


- 1. Single prisoner shall be handcuffed with both hands behind his or her back.
- 2. Leg and waist belt restraints may also be used in order to minimize the risk of injury or

escape.

3. Under no circumstances shall a prisoner be handcuffed to a part of the transport vehicle itself, such as the floor post, protective screen barrier, etc.
4. Officers shall use ankle shackles or plastic handcuffs to immobilize when transporting any prisoner that might pose an escape risk.

N. Documentation:

1. Officers shall document all prisoner transports and shall note any unusual circumstances or events in the arrest report.
2. Officers shall document the circumstances of any apparently ill or injured prisoners and their medical treatment.
3. Officers will give names (and badge numbers, as appropriate) of personnel from and to whom the prisoner was released or transferred.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.12 Juvenile Procedures</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <span style="display: block; text-align: center;">Chief of Police</span>	
	<b>Reference:</b> TBP 10.02 and 10.03	

## I. POLICY

This department is committed to the development and perpetuation of programs for prevention and control of juvenile delinquency. In dealing with juveniles, officers will use the least coercive methods among available alternatives, consistent with preserving public and officer safety, order, and individual liberty. Among factors to consider in making juvenile dispositions is the nature of the offense; the offender’s age, circumstances, and record; availability of rehabilitation programs; and juvenile probation or court recommendation for diversion.

## II. PURPOSE

The purpose of this policy is to establish guidelines and procedures for handling juveniles who are in need of protection, in violation of status offenses, and those charged with criminal offenses.

## III. DEFINITIONS

- A. Child (Juvenile): A person who is ten years of age or older and less than seventeen years of age.
- B. Conduct in Need of Supervision: Conduct: Any offense -- other than a traffic offense -- that violates the penal laws of the state and which are punishable by fine only, violations of municipal ordinances, failure to attend school, and running away.
- C. Delinquent Conduct: Conduct, other than a traffic offense (except DWI), that violates the penal laws of this state or the United States punishable by imprisonment or confinement in jail.
- D. Delinquent child: A child who has committed a delinquent act or an adult who committed a delinquent act prior to his or her 17th birthday.
- E. Intake officer: A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert the juvenile from the criminal process, or petition the court. An intake officer is normally a juvenile probation officer.

- F. Juvenile court: The court designated under Family Code 51.04 to exercise jurisdiction over juvenile proceedings within the county. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.

NOTE: All juvenile offenses occurring in the City of Socorro are heard at the Juvenile Probation Department.

- G. Juvenile processing office: The office or location within the police department or school facility, approved by the juvenile court, for the temporary detention of juveniles while officers complete required activities prior to releasing the juvenile to a parent or transferring the juvenile to the juvenile detention center.

NOTE: The approved Juvenile Processing Office for the Socorro Police Department is at the Juvenile Probation Department.

- H. Referral to juvenile court: The referral of a child's case to the official, including the intake officer, designated by the juvenile board to process children within the juvenile justice system.
- I. Responsible or Suitable Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult who is responsible for the physical custody of a juvenile or who is an adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian, or next of kin can assume that responsibility.
- J. Status Offender: A juvenile who is charged with an offense that would not be a crime if committed by an adult, such as violating a curfew or running away.

#### **IV. PROCEDURES – General**

##### 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.
3. Officers who detain juveniles should first determine if the juvenile is alleged to have been harmed or to be in danger of harm. Those in need of immediate medical treatment will be transported to an appropriate medical facility under the same guidelines as adult prisoners. The Department of Protective and Regulatory Services is to be contacted immediately if there is an indication that the juvenile cannot safely be released to a suitable adult and the juvenile does not meet criteria for transport to the detention facility.
4. Children under 10 cannot be held responsible through criminal law or the juvenile justice system. If a child under 10 is found in violation, the following applies:
  - a. enforcement action cannot be taken;

- b. children under 10 cannot be detained at a police facility for criminal violations; however, children may be kept in a non-secure area of a police facility pending arrival of a suitable adult;
- c. the officer must document the conduct of children under 10 that would ordinarily be a criminal or juvenile code violation if they were classified as a juvenile on the appropriate report form to include any applicable identifiers.

#### B. Handling of Juvenile Offenders - General

1. A juvenile offender shall be handled with firmness and respect.
2. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record.
3. The juvenile justice system emphasizes confidentiality of records and the privacy of an adjudicatory hearing.
4. Where appropriate, officers shall reasonably try to keep juveniles out of the criminal justice system.
5. The taking of a juvenile into custody is not an arrest except for the purpose of determining the validity of taking the juvenile into custody or the validity of a lawful search.
6. All investigative detentions and enforcement actions involving juveniles will be documented, either by use of a written warning, citation, or incident report. If a written warning or citation is issued and the circumstances of the contact are recorded on the form, no incident report is required. If no written warning or citation is issued, an incident report will be generated to document the contact and actions taken.
7. All contacts with juveniles will be recorded as best as possible on the in-car audio/video system.

#### C. Authority for Taking a Child into Custody

1. A juvenile may be taken into custody in the circumstances listed in 52.01 of the Family Code, by a Directive to Apprehend as outlined by 52.015 of the Family Code, or with probable cause. Section 52.01 of the Family Code specifies that a child may be taken into custody by a law enforcement officer when a child engages in any of the following:
  - a. Conduct that violates a penal law of this state or a penal ordinance of any political subdivision of this state,
  - b. Delinquent conduct or conduct indicating a need for supervision, or
  - c. Conduct that violates a condition of probation imposed by the Juvenile Court
2. Section 52.01 also authorizes officers to release a juvenile with a warning in lieu of custody. If the child is released with a warning it is necessary to forward a copy of the warning to the parent. In making the decision to handle the juvenile either informally with a warning or formally by referral to the juvenile court, the officer shall consider the following:
  - a. Seriousness of offenses
  - b. Prior record of child
  - c. Child's age
  - d. Cooperation and attitude of all parties (child, parent, victim) and
  - e. The possibility of the offense being repeated

f. Degree of wrongful intent, violence, premeditation, knowledge of violation

#### D. Enforcement Alternatives

1. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Alternatives that may be considered include the following, listed in order of severity:  
release without further action, release with verbal warning, referral to parents or responsible adult, or informal counseling with contact of parents or responsible adult;
  - a. field release with written warning or citation, limited custody and station-house warning, arrest under non-secure custody, and release to parents with or without referral to juvenile court or first-offender program; and
  - b. arrest and secure custody, with transfer to detention and referral to juvenile court.
2. Enforcement criteria for the use of these alternatives are provided below.
3. Even when a juvenile is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation.
4. In all cases where a juvenile is believed to have committed a violation, regardless of the disposition, officers shall make every reasonable attempt to notify parents or guardians and inform them of the circumstances of the contact.

#### V. ENFORCEMENT CRITERIA

A. The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents.

1. Release without further action, release with verbal warning, and referral to parents or responsible adult, or informal counseling with contact of parents or responsible adult.
  - a. Appropriate incidents where no violation was determined or where the violation was very minor and officers explained the law and consequences.
    - i. No property damage or personal injury was involved.
    - ii. No prior record exists.
    - iii. May include contact with parent if appropriate.
    - iv. Examples of these incidents include, but are not limited to, curfew violations, minor liquor law violations, and disorderly conduct.
  - b. If a non-traffic citation is issued, the juvenile's parents may be contacted by telephone from the scene and advised of the offense and disposition. If the parents cannot be contacted, officers will make a copy of the citation and forward the copy to the Criminal Investigations Division for mailing to the parents. On it, the officer shall give a complete description of the circumstances of the contact.
  - c. If officers detain a juvenile for a non-traffic offense and decide not to issue a warning or citation, officers shall complete an incident report and forward it to the Criminal Investigations Division for mailing to parents.
2. Field release with written warning or citation, or limited custody and station-house warning, arrest under non-secure custody, and release to parents with or without referral to juvenile court or first-offender program.

- a. Officers may elect to transport the youth home, make personal or telephone contact with the youth's parents or guardians to provide them with information and counseling on their child's actions, or take the youth into custody and transport the youth to the juvenile processing office until he/she is released to a parent or guardian.
    - i. Appropriate when the nature of the incident is of a more serious or potentially serious nature than in section 1 above;
    - ii. There was property damage or minor injury not amounting to a felony;
    - iii. The youth involved is fully aware of the seriousness or potential seriousness of his/her actions and/or is acting in alliance or collusion with others to commit such acts;
    - iv. The youth fails to cooperate or to positively respond to police intervention and direction;
    - v. The youth's parents or responsible adult have apparently failed to provide appropriate control and supervision.
  - b. Officers may elect to file a referral to the juvenile court depending on the nature of the offense and prior history of the offender.
3. Arrest and secure custody, with transfer to detention and referral to juvenile court. Officers may file delinquency charges against a juvenile when the circumstances surrounding the incident meet or exceed the seriousness of those cited as examples in section 2 above.
    - a. Officers should file delinquency charges against juveniles when they commit any of the following:
      - i. Acts that if committed by an adult would be felonies;
      - ii. Delinquent acts involving deadly weapons;
      - iii. Serious gang-related offenses;
      - iv. Delinquent acts involving serious assault;
      - v. Delinquent acts while on probation or parole or when they have charges pending against them;
      - vi. Delinquent acts as repeat offenders or when the juveniles have refused to participate in diversion or intervention programs; or
      - vii. When it has been determined that parental or other adult supervision is ineffective.
  4. Status Offenses. Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile, and other relevant factors, an officer may release a juvenile to his parents, guardian, or other responsible adult.
    - a. Juveniles taken into custody for status offenses should normally be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer, or others.
    - b. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.
    - c. Juveniles taken into custody for status offenses shall be held in non-secure custody as provided by state law and for the briefest time necessary to conduct identification, investigation, and related processing requirements to facilitate their release to a parent or responsible adult or transfer to a juvenile facility.



- d. Transportation of a juvenile in a caged vehicle is not considered secure custody.
- e. Status offenders and other juveniles taken into temporary non-secure custody for status offenses should not be fingerprinted or photographed for purposes of record.
- f. Status offenders in temporary custody shall not be placed in a holding area with adult suspects and shall also be under constant visual supervision. Status offenders will be afforded reasonable access to toilets and washing facilities; provided food if they are in need of nourishment to include any special diets necessary for health or medical purposes; provided with reasonable access to water or other beverages; and allowed reasonable access to a telephone.

## **VI. JUVENILE PROCESSING**

### **A. Searching and Transportation of Juveniles**

1. No juvenile under 17 shall be transported in the same vehicle with adults suspected of or charged with criminal acts.
2. Juveniles are searched and transported in the same manner as adults in compliance with Policy 7.11 Prisoner Transportation.
3. Juveniles are typically not handcuffed unless they have been taken into custody for a violent offense, pose an escape risk, or where the officer reasonably believes handcuffing is necessary for the safety of the juvenile or officer. The utilization of handcuffs is at the discretion of the officer taking the juvenile into custody. Officers will double lock and check the handcuffs for tightness. Officers will check the handcuffs if there is a complaint that they are too tight.
4. An officer transporting a juvenile should notify the dispatcher that the officer will be transporting a juvenile along with the juvenile's gender. The officer should also notify the dispatcher of the officer's location and mileage on the vehicle upon initiating the transport and the officer's ending mileage and location upon arrival at the officer's destination. The officer should monitor the prisoner during the transport for any medical issues.
5. Recording and video equipment should be activated during transport.

### **B. Actions when taking a juvenile into custody**

1. A person taking a child into custody shall advise the juvenile of his/her constitutional rights when appropriate.
2. Without unnecessary delay and without first taking the child elsewhere, the officer does one of the following:
  - a. Releases the juvenile to a parent, guardian, custodian, or other responsible adult;
  - b. Brings the juvenile before an official of the juvenile court;
  - c. Takes the juvenile to a detention facility designated by the juvenile court;
  - d. Takes the juvenile to a medical facility if the juvenile is believed to be suffering from a serious physical condition or illness that requires immediate treatment;

Takes the juvenile to the intoxilyzer room if in custody for an offense requiring a breath specimen, but the juvenile must be taken to one of the above-mentioned locations upon completion of the intoxilyzer test;

- e. In cases of truancy, immediately takes the juvenile to the proper school official within the appropriate public or private school;
- f. Takes the juvenile into protective custody if the officer believes the juvenile is in danger of harm; or
- g. Releases the child with no further action pending.

C. Notifications:

1. The arresting officer shall promptly notify the juvenile's parents or guardians of the fact that the child has been taken into custody. In the case of protective custody, the notice must be written as prescribed by the Texas family code.
2. Notification of the parents or attempts at notification shall be documented in the arrest report.

D. Designated Juvenile Processing Area:

1. A juvenile may be detained in a holding area certified by the juvenile court. The Socorro police department's approved juvenile processing office is Located at the Juvenile Probation Department. Juveniles are detained under the following conditions:
  - a. At no time is a juvenile placed in a jail cell designated for the holding or incarceration of an adult.
  - b. At no time will a juvenile who is in custody be left unsupervised in the juvenile holding area.
  - c. All juveniles held in the juvenile processing office will be out of sight and sound of adult prisoners.
  - d. No juvenile is held in custody longer than is reasonably necessary to conduct an investigation, prepare a case, or to await the arrival of a parent or guardian.
  - e. At no time will a juvenile be held in the juvenile processing office longer than six hours. If not otherwise released, the juvenile will be taken to the juvenile detention facility within six hours of the arrest.

E. Taking a Runaway into Custody

An officer who has probable cause to believe that a juvenile has run away from home shall perform the following:

1. Verify the juvenile's status as a runaway.
2. Take the child into custody.
3. Release the juvenile to a parent, guardian, legal custodian, or other person acting for a parent.
4. If a parent or some other responsible party cannot be located, take the juvenile to the juvenile processing office and make contact with the juvenile detention center intake officer

for instructions. NOTE: The juvenile processing office may not be locked when holding status offenders, and an officer will remain with the juvenile until disposition is made.

5. Notify Communications to remove the runaway report from the computer system.
6. Complete incident reports for any runaways taken into custody.
7. If the child is an out-of-town runaway, take the child into custody and verify runaway status with the other jurisdiction.
8. If a detention order is on file, follow the instructions for serving a detention order.
  - a. Notify the intake officer of the juvenile court of the action taken. The intake officer will then determine what the next step will be. The officer shall:
    - i. Follow the intake officer's instructions for detention or child placement.
    - ii. Notify parents that the child is in custody.
    - iii. If the child is to be released and the parents cannot respond within a reasonable period of time, then [either contact a runaway house, if appropriate in your jurisdiction, or arrange to detain the juvenile].

#### F. Taking a Truant into Custody

1. An officer who takes a juvenile into custody because school officials have reported that the juvenile is a truant shall deliver the juvenile to the school and release him/her to appropriate school personnel.
2. The officer shall complete an incident report that includes the name of the person notifying the parent of the truancy and the name of the person to whom the juvenile was released.

## VII. PROTECTIVE CUSTODY

- A. A law enforcement officer may take protective custody of a child without a court order for the following reasons and no others:
  1. Upon discovery of a child in a situation of danger to the child's physical health or safety when the sole purpose is to deliver the child without unnecessary delay to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is presently entitled to possession of the child.
  2. Upon the voluntary delivery of the child to the law enforcement officer by the parent, managing conservator, guardian, caretaker, or custodian who is entitled to possession of the child.
  3. Upon personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or writ.
  4. Upon information furnished by another which has been corroborated by personal knowledge of facts, all of which taken together would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or writ.
  5. Upon personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a temporary restraining order or writ.
  6. Upon information furnished by another that has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and

caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a temporary restraining order or writ.

7. Emergency Treatment For Juveniles: In the absence of the responsible parent or guardian, police officers are expected to take immediate custody of any juvenile found to be in need of emergency medical care and to see that the juvenile is taken to an emergency hospital for treatment.

#### B. Procedures for Taking Custody of Juvenile in Need of Emergency Treatment

1. When it is found that a juvenile has been injured or is ill to the extent that immediate emergency care is necessary to protect the physical well-being of the juvenile and no responsible parent or guardian can be found, the below listed procedures are followed to obtain the necessary medical care in an expeditious manner:
  - a. The officer either takes custody of the juvenile and delivers him/her to the nearest competent emergency hospital, or the officer requests an ambulance and orders the juvenile taken to the nearest competent emergency hospital.
  - b. The officer utilizes all available resources to immediately contact a parent or guardian (school officials, etc.).
  - c. The officer then causes the immediate notification of the Child Protective Services office of the circumstances at hand and furnishes the Child Protective Services office the following information:
    - i. Name, race, and date of birth of the juvenile;
    - ii. Name and address of parents if available;
    - iii. What hospital the juvenile has been taken to;
    - iv. What efforts have been made to contact the child's parents or guardian.
2. Follow-Up Investigation:
  - a. The officer conducts a follow-up investigation at the receiving hospital, being sure to explain the circumstances at hand to the proper hospital representative.
  - b. The Criminal Investigation Division will take over hospital follow-up investigations when it becomes apparent that such investigations will be lengthy or complex.
  - c. The Criminal Investigations Division will follow-up if it becomes apparent that the child's injury is due to criminal conduct on the part of any person.

#### C. Persons Who May Consent To Medical Treatment:

The Texas Family Code allows any of the following persons to consent to medical, dental, psychological, and/or surgical treatment of a child when the person having the right to consent as otherwise provided by law cannot be contacted and that person has not given actual notice to the contrary:

1. A grandparent, adult brother or sister, adult aunt or uncle of the child; an educational institution in which the child is enrolled that has received written authorization to consent from the person; an adult who has actual care, control, and possession of the child and who has written authorization to consent from the person having the right to consent.
2. A peace officer who has lawfully taken custody of a minor if the peace officer has reasonable grounds to believe the minor is in need of immediate medical treatment.

3. Any court having jurisdiction over the child.

## **VIII. INVESTIGATIVE PROCEDURES**

### **A. Custodial Interrogation of Juveniles**

1. Custodial interrogation of juveniles by department employees shall adhere strictly to procedural requirements established by the Texas Family Code and relevant court rulings.
2. The custodial officer or a detective interviews the juvenile. The officer explains to the juvenile the procedures that will relate to their case. The officer or detective may, at their discretion, allow other persons to be present during the interview. An attorney representing the child is allowed if requested.
3. The interrogation of a juvenile is completed within a reasonable time or terminated if the juvenile requests the interrogation be terminated.

### **B. Written Confessions/Statements:**

Written confessions from juveniles must be taken in compliance with the Texas Family Code, outlined below.

1. A magistrate, outside the presence of law enforcement officers, first warns the juvenile.
2. An officer then takes the typed or handwritten confession but leaves the statement unsigned.
3. The officer then returns the juvenile and the statement to the magistrate.
4. The magistrate will review the statement with the juvenile outside the presence of law enforcement officers.
5. The juvenile is then allowed to sign the statement in the magistrate's presence.

### **C. Fingerprinting And Photographing Juveniles:**

1. Fingerprints and photographs of juveniles are maintained separately from those of adults.
2. Fingerprints and photographs of juveniles are destroyed as directed by the Texas Family Code.
3. Fingerprints are taken to comply with state reporting requirements.
4. All juveniles placed in custody for cases classified as class "B" misdemeanor or higher are fingerprinted and photographed.
5. These records are maintained at the County Juvenile Detention Center and also in the State files.
6. If latent fingerprints are found during the investigation of a case and the law enforcement officer has probable cause to believe that they are those of a particular child, unless otherwise prohibited by law, the officer may fingerprint the child regardless of the age or case for the purpose of immediate comparison with the latent fingerprints.
7. If fingerprints of a child are taken for purposes of comparison and the comparison is negative, the fingerprint card and other copies of the fingerprints taken are destroyed immediately. If the comparison is positive and the child is referred to the juvenile court, the

fingerprint card and other copies of the fingerprints are filed locally and with the State. If the child is not referred to the court the fingerprints are destroyed immediately.


#### D. Required Notification of Schools

1. An officer who arrests or takes into custody an individual whom the officer believes because of the age of the child may be enrolled in a primary or secondary school as provided by Chapter 52 of the Texas Family Code shall do the following:
  - a. Attempt to determine if the individual is a student.
    - i. If the individual is known to or believed to be enrolled in a school, and
    - ii. The child's alleged offense is an offense under section: 19.02, 19.03, 19.04, 19.05, 20.02, 20.03, 20.04, 21.08, 21.11, 22.01, 22.011, 22.02, 22.021, 22.04, 22.05, 22.07, 28.02, 29.02, 29.03, 30.02, or 71.02, Penal Code, or
    - iii. The Unlawful Use, Sale or Possession of a Controlled Substance, Drug Paraphernalia, or Marijuana, as defined by Chapter 481, Health and Safety Code; or
    - iv. The Unlawful Possession of any of the Weapons or Devices listed in Section 46.01(1)-(14) or (16), Penal Code; or a Weapon listed as a Prohibited Weapon under Section 46.05, Penal Code; or
    - v. Any felony offense.
  - b. If the individual meets these requirements the officer or detective assigned shall give oral notification to the superintendent or the designee of the public school district within 24 hours after the arrest or detention of a child, or on the next school day.
  - c. Written notification shall be mailed within seven (7) days after the date of oral notification to the appropriate afore-mentioned school official, marked "Personal and Confidential" on the mailing envelope.
2. The complete text of this responsibility is found in Article 15.27 Code of Criminal Procedures.

#### E. Juvenile Records

1. The computerized Juvenile Justice Information System (JJIS) is designed to track juvenile cases from intake through detention, prosecution, and case disposition, including probation or commitment. The Texas Family Code restricts entries into the JJIS to delinquent conduct offenses that, if committed by an adult, would be punishable by jail or imprisonment.
  - a. JJIS entries are made on Socorro Police Department detentions by the Juvenile Investigation Division when a juvenile is referred to the juvenile court.
  - b. JJIS records may be accessed and disseminated according to the same rules that apply to computerized criminal histories.

- c. JJIS entries cannot be made for juveniles who are not referred to the juvenile court within 10 days of the detention.
  - d. Records that do not qualify for JJIS entry are to be destroyed.
- 2. Texas Family Code requires that local law enforcement records and files concerning a juvenile must be kept separate from adult files and records and prohibits them from being sent to a central state or federal depository except as specified in the Texas Family Code. Juvenile detention reports will be separated from adult arrest reports as required by the statute.
  - a. Records or files that are required or authorized to be maintained under laws regulating operation of motor vehicles and records that list a juvenile as the victim of a criminal offense are specifically exempt from the file-separation requirement.
  - b. Reports of missing juveniles are specifically authorized to be entered into TCIC and NCIC.
- 3. The Code of Criminal Procedure authorizes information on juveniles to be included in a local system for the purpose of investigating or prosecuting the criminal activities of criminal combinations. This information may be released to another criminal justice agency, a court, or a defendant in a criminal proceeding pursuant to the discovery. The record must be destroyed no later than two years after its collection if the juvenile has not been charged with criminal activity.
- 4. The preservation and destruction of juvenile records is the responsibility of the juvenile investigation division. Juvenile records will be kept under lock and key and access will be limited to juvenile investigators.
- 5. The Texas Family Code prohibits taking photographs or fingerprints of a juvenile without the consent of the juvenile court or the juvenile probation officer unless the juvenile is taken into custody for a felony or a misdemeanor punishable by confinement in jail. Only the procedures specified in these General Orders will be utilized.
- 6. Release of Information on juvenile offenders may only be made pursuant to the following:
  - a. A written request under the Texas Public Information Act, Government Code Chapter 552 to the police department as approved by the City of Socorro attorney or to the Socorro Municipal Court for fine-only offenses handled there.
  - b. The Sex Offender Registration Act, Code of Criminal Procedures Chapter 62. The request must be made in writing and will be responded to by the police department.
  - c. Code of Criminal Procedures Article 15.27. Notice to schools of specified offenses committed by students. These notices will be made by assigned investigators.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.13 Domestic Violence and Protective Orders</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: center;">Chief of Police</div>	
	<b>Reference:</b> TBP: 7.08	

**I. POLICY**

The department assigns domestic or family violence (domestic disturbance) calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Law enforcement agencies must exercise leadership in the community in responding to domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, department personnel responding to a domestic disturbance call shall (1) restore order, (2) arrest persons when probable cause exists that a crime has been committed, (3) provide safety and security for the crime victim(s), and (4) help participants contact appropriate agencies that might help prevent future occurrences.

**II. PURPOSE**

To define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, and describe measures that can be taken to end violence and protect victims.

**III. DEFINITIONS**

- A. Assault: An act by an assailant who intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse. A threat to cause imminent bodily injury to another, including the person's spouse, is also an assault. This definition is not all-inclusive as family violence may also entail aggravated circumstances, sexual assault, and other offenses. The assault definition also extends to intimate partner violence (IPV) that includes unmarried couples. See Chapter 22 and 25 of the Texas Penal Code.
- B. Domestic violence shelters/programs: Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation. Some shelters also provide information pertaining to jobs, social security services, restraining orders, and various other items of information that is needed if the victim does not wish to return to the previous situation.



- C. Family violence: An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.
- D. Abuse: as defined by Sections 261.001(1) (C), (E), and (G) by a member of a family or household toward a member of the family or household.
- E. Dating Violence: as defined by Section 71.0021.
- F. Family or household member:
  - 1. Spouses, whether or not residing in the same home.
  - 2. Former spouses, whether or not residing in the same home.
  - 3. Persons who have a child in common, whether or not they have ever been married or resided together.
  - 4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters, half-brothers and half-sisters regardless of whether they reside in the same home with the suspect.
  - 5. Parents-in-law, children-in-law, brothers- and sisters-in-law regardless of whether they reside in the same home with the suspect.
  - 6. Persons, whether or not related, who cohabit or who previously cohabited with the suspect, and any children of either who then resided in the same home as the suspect.
  - 7. See Sections 71.003, 71.004, and 71.005 of the Family Code.
- G. Protective order, sometimes referred to as a “restraining order:” A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, provide temporary child support, plus other measures. A protective order may be valid up to two years.

Types of protective orders:

- 1. Emergency protective order: A protective order applied for at the scene of a domestic violence incident.
- 2. Protective order: A protective order that is requested by a victim of domestic at any time other than at the scene of a domestic violence incident.
- 3. Temporary Ex Parte Orders: an order that is issued without the person who committed family violence present. A person subject to an order (the actor) who violates an ex parte order may not be arrested unless it is established that the actor had been served with the order prior to the commission of the act(s) violating the order. In the event that an officer arrives and the actor is not aware of the order, the officer may assist the protected person in informing the actor of the existence of the order. The officer shall then remain at the scene until the actor has complied with any wording that requires him or her to leave the residence. If the order does not require the actor to leave, the officer shall remain at the scene while the protected person gathers necessary items to leave. See Texas Family Code Chapter 83 for additional information.

#### **IV. PROCEDURES: General responsibilities**

- A. Department personnel shall refer victims of domestic violence or serious bodily injury crimes to appropriate community resources (mental health agencies, medical doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs), and shall provide victims with the name, address, and telephone numbers of the district attorney and the investigating law enforcement agency. Where possible, officers shall help victims directly access referral agencies.
- B. Department personnel shall receive TCOLE or department training every 2 years regarding domestic violence and its impact. Officers are encouraged to consult community resources, such as the local domestic violence shelter and the local victim/witness advocacy program.
- C. Personnel must be well trained in how to confront unexpected violence. Disturbance calls can be dangerous to responding officers.

#### **V. PROCEDURES - Dispatcher (communications center) responsibilities.** Because the dispatcher is likely to be the first person to receive the call, he or she is instrumental in determining the type of response.

- A. The dispatcher is responsible for deciding whether an officer is needed at the scene. To make that decision, the dispatcher shall ask the following questions if at all possible:
  - 1. Who is complaining? Phone number? Whereabouts and identity of the suspect/aggressor?
  - 2. Name of caller and location of incident? Location of caller and complainant, if different? Phone numbers?
  - 3. Is the crime (incident) in progress? If not, when did it occur?
  - 4. Is a weapon involved?
  - 5. Have people at the scene been injured? Is an ambulance needed?
  - 6. Are there children present?
  - 7. Are there witnesses present?
- B. Depending on the circumstances at this point the dispatcher does the following one or all of the following:
  - 1. If evidence of an injury or a weapon exists, someone has threatened violence, or the complainant requests an officer, dispatch immediately (two officers preferred) and an ambulance, if needed.
  - 2. Perform a TCIC and protective order inquiry and give the results to the responding officer(s) before their arrival at the scene.
  - 3. Keep the caller on the telephone, if possible, and ask the following questions to obtain additional information, if possible:
    - a. Where is the suspect? If not known, obtain vehicle description, direction of travel, elapsed time, and access to weapons.
    - b. Was alcohol or drugs involved?
    - c. Is there a history of calls to this address?
    - d. Are there outstanding warrants on disputants?
    - e. What is the probation/parole status of suspect/aggressor?

- f. Have there been previous arrests?
  - g. Is a protective order in effect?
- 4. If time permits, the dispatcher shall maintain telephone contact until the officers arrive in order to monitor the incident and provide support to the victim. The dispatcher shall advise the victim of the intended department response.
- 5. The dispatcher shall provide the responding officer with as much information as possible to identify risks at the scene.
- 6. Dispatchers shall not cancel police response to a domestic violence complaint based solely on a follow-up call from the residence requesting such cancellation. However, the dispatcher shall advise the officers of the complainant's request.

## **VI. PROCEDURES - Patrol responsibilities**

- A. Before arrival at the scene officers should do the following:
  - 1. Obtain all available information from the dispatcher before arrival.
  - 2. When possible, officers should wait for back-up help, discuss a strategy, and approach the dispute scene in pairs.
- B. In the vicinity of the scene officers should avoid the use of sirens and other alarms. The suspect might be dangerous and could turn a weapon on arriving officers.
- C. At the scene the officer should observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.
- D. Before knocking on the door, officers should listen, and they should look in windows to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).
- E. Officers must be concerned for their own safety as well as that of the disputants. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.
  - 1. Initial contact with occupant(s).
    - a. Identify themselves as law enforcement officers by name, give an explanation of your presence, and request entry into the home (when conditions permit). Ascertain identity of complainant and ask to see him or her and any other person at the home.
    - b. Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further.
    - c. Officers shall not leave without interviewing the complainant.
    - d. If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.
    - e. Refusal of entry or no response to a knock at the door will require a forced entrance

- only if officers have a reasonable belief that the safety of people inside is in jeopardy.
- f. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent. However, the other, if present, may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.
  - g. A spouse or cohabitant can consent to the search of premises used jointly by both husband and wife or by unmarried cohabitants. However, if both are present, either one may legally object. Once either party refuses consent, officers must obtain a warrant to search or articulate an exception to the warrant requirement.
- F. Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist. For example, if officers believe that someone, perhaps a child, is in need of emergency assistance they may search the premises without a warrant.
1. Officers shall evaluate the following elements when considering a warrantless entry:
    - a. The degree of urgency involved and the time required to get a warrant.
    - b. The possibility of danger to occupants of the house or others, including officers guarding the site.
    - c. Whether the suspected offense is serious and involves violence.
    - d. Whether officers reasonably believe that persons may be armed.
    - e. Finally, officers are reminded that they have a lawful right and duty to investigate any situation that they reasonably believe to be an emergency.
  2. Once inside, establish control by:
    - a. Inquiring about the nature of the dispute.
    - b. Identifying disputants.
    - c. Being aware of potential weapons in surroundings.
    - d. Determining if persons are in other rooms, whether children or adults, and the extent of any injuries. (These persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised.)
    - e. Protect the victim from further abuse. Separate the victim from the suspect and arrange for medical attention if the victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Photograph the victim's injuries if possible.
    - f. Ascertain whether a protective order has been violated.
    - g. If weapons -- firearms, knives, or any other object that could be used as a weapon-- are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If appropriate, seize weapons for evidence.
    - h. Transporting family/household members to a hospital, a safe shelter, or a magistrate.
  3. Officers shall transport victims to a safe location as they wish or as the circumstances require.
  4. If a complainant seeks officers' help in entering his or her residence to obtain personal property, the officers must determine that the complainant has lawful authority to do so; must

advise all parties that they are accompanying the complainant to obtain items for immediate personal (or children's) use; that the officers' function is to maintain order; that any dispute over property is a matter for the courts to decide.

#### G. Interviewing all disputants

1. Ensure safety and privacy by interviewing the victim in a place separate from the suspect, assuming the suspect has been identified.
2. Critical to the success of the interview is the officer's manner. Officers must listen, show interest in the disputants and their problem, and remain aware of nonverbal communications signals.
3. Officers shall attempt a low-key approach in domestic violence cases. Maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increase fear and hostility.) A relaxed stance and appropriate facial and head movements demonstrate interest and encourage the victim to continue speaking.
4. If possible, separate the parties so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension.) Although the disputants are to be separated, officers shall remain within sight and hearing of each other.
5. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts, giving the parties an opportunity to point out anything that might be misrepresented.
6. Officers should be aware that parties may make excited utterances that may have evidentiary value. These utterances should be recorded, when practicable, and should be noted in reports of the incident.
7. Interviewing the victim. Get answers to the following questions from the victim:
  - a. What happened?
  - b. Were there any injuries and who caused them?
  - c. What weapons or objects were used?
  - d. What is the relationship to suspect?
  - e. Were threats made against the victim or others?
  - f. Was there forced sexual contact.
  - g. Are there any court cases pending against suspect?
  - h. Are any protective orders in effect?
  - i. Is suspect on probation or parole?
  - j. Did the suspect threaten or hurt others, particularly children or pets?
  - k. Was property damaged and if so what was the damage?

#### H. Interviewing witnesses

1. Interview any witnesses to the incident--children, other family members, neighbors--as soon as possible.
2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
3. If witnesses provide information about prior assaults, document them to help establish a pattern.
4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise

be at their level when speaking to them. Signs of trauma or abuse should be noted.

I. Collection of Evidence

Officers should treat a family violence offense with the same seriousness as other criminal offenses, and conduct a preliminary investigation in the same manner to include:

1. Collecting any physical evidence or calling crime scene personnel to do so.
2. Photographing any damages or injuries received by any party involved in the incident.

**VII. PROCEDURES - Arrests**

- A. Officers shall make an arrest without a warrant if they have probable cause to believe that the individual has committed an assault resulting in bodily injury to a member of the person's family or household. Further, the department promotes a policy of arrest when the elements of an appropriate offense are present.
- B. If officers cannot identify a predominant physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident.
- C. Officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.
- D. If the victim claims that a protective order has been violated, officers shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse") have been violated the officer shall arrest the violator, assuming probable cause exists.
- E. Officers making arrests for family violence may petition for an emergency protective order if so requested by the victim or if the officer believes there is a significant danger of future assaults.
- F. Officers shall contact the on-call Child Protective Services worker if a child is abused or if neither parent can reasonably look after the child's safety and well-being. (Child neglect is a separate, reportable offense.)
- G. In determining probable cause, the officer shall NOT consider:
1. Race, sex, gender, sexual orientation, national origin, ethnicity, age, religion, disability or other classification protected by law. .
  2. Whether the complainant has not sought or obtained a protective order.
  3. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
  4. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
  5. That the complainant has not begun divorce proceedings.
  6. Assurances of either or both disputants that violence will stop.

7. The lack of visible bruises or injuries.

H. Factors favoring the decision to arrest

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 any person or pets, or any other threatening behavior.

I. If the abusive person is to be arrested, the officer should use the following procedure:

1. If the suspect is present, arrest him/her, apply handcuffs, inform him/her that the decision to arrest is a law enforcement one, and transport securely to the jail/magistrate.
2. If the suspect is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a "be-on-the-lookout" message describing the suspect, if necessary, and arrange for an arrest warrant.
3. If an arrest must be made because a protective order has been violated, verify its validity by:
  - a. Examining the victim's copy, if available.
  - b. Having communications search TCIC or contact the jurisdiction that issued the order to confirm its currency.

J. If the abusive person is not arrested, the officer should use the following procedure:

1. Complete an incident report and give a copy or arrange to have a copy given to the victim.
2. Inform the victim that the department will begin action to procure a warrant for the offender if an offense occurred.
3. Advise the victim of the importance of preserving evidence.
4. Explain to the victim about protective orders and how to obtain them and offer to help the victim obtain them later.
5. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers, such as a marriage license or divorce decree, health insurance cards, and if children are involved their school records, proof of vaccination, and health information.
6. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address, and telephone number of the district attorney and

the investigating law enforcement agency

7. Assure the victim that [your agency] shall assist in future emergencies and explain measures for enhancing his/ her own safety.

K. Gathering evidence. Physical evidence takes three forms in domestic violence cases: the injuries sustained by the victim, evidentiary articles that substantiate an attack, and the crime scene itself. The on-the-scene officer should take the following actions:

1. If possible, have a physician corroborate the victim's account of injuries sustained. Since choking is one of the most serious forms of violence but is sometimes hardest to detect, the officer and/or the physician should take particular note of that.
2. When feasible, take photographs of injuries.
3. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.
4. Collect evidence according to the same principles applied to any other crime scene.
5. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime
6. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.

L. Documenting the incident. All incident reports on domestic violence shall follow general reporting procedures. Officers should include the following in their reports:

1. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor.
2. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
3. The victim's statements as to the number of prior calls for law enforcement assistance.

M. The disposition of the investigation. Officers involved in an incident should do the following:

1. Thoroughly document probable cause to arrest.
2. If an arrest is not made for domestic violence, the incident must still be documented, stating that either no probable cause for arrest existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:
  - a. What referral information was given.
  - b. The name of any counselor contacted.
  - c. Why no arrest was made, nor any warrant issued.
3. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services.
4. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the district attorney and the investigating law enforcement agency.

N. Arrests of law enforcement personnel



1. If the predominant physical aggressor or abuser is an employee of this agency, the responding officer shall summon the field supervisor, who shall in turn notify his/ her chain of command.
2. The scene shall be secured and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons. The possibility exists that the employee's departmental weapon may be evidence of an offense.
3. The on-call investigator shall be summoned who shall begin an internal criminal investigation
  - a. If probable cause to arrest exists, the investigator shall arrest and gather evidence (including taking photographs) consistent with this general order.
  - b. The assigned investigator shall work with the responding patrol officer to ensure that the victim receives medical attention, if necessary, is transported to a hospital or safe shelter, and that all reports are completed, evidence gathered, and photographs taken. The responding patrol officer shall assist in obtaining an emergency protective order.
  - c. The investigator shall speedily present the case to the district attorney.
4. Upon termination of the criminal investigation, the Chief of Police may assign an officer to undertake an internal administrative investigation into the incident. The chief may suspend the employee pending the outcome of the investigation.
  - a. Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges, and identification to the property officer.
  - b. If the internal administrative investigation supports a violation of agency policy, the Chief of Police shall take appropriate action. Further, if the investigation confirms that domestic violence occurred, the sheriff may require that the officer receive counseling, psychological evaluation, demotion, or termination of employment.
  - c. Federal law states that any person (including a law- enforcement officer) convicted under any state or federal law for a misdemeanor involving the use of, attempted use of physical force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving weapons or threats of force may, therefore, be unable to maintain their certification.
  - d. Note that officers who are the subject of a protective order shall not carry firearms. Officers who are the subject of a protective order shall turn in all agency-issued weapons.

## **VIII. PROCEDURES - Issuing an emergency protective order**

### **A. Emergency protective orders (EPO) (domestic violence)**


1. The EPO aims to protect the health or safety of a victim of domestic violence. It is issued only if the offender is arrested. The judge or magistrate who arraigns the offender after the arrest may issue the EPO on the magistrate's own initiative, upon request of the victim, the guardian of the victim, a peace officer, or an attorney representing the state. If an officer has at least a reasonable belief that an assault has occurred and there exists probable danger of further abuse, the officer shall request the judge or magistrate to issue an EPO.
  - a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO,

the officer shall advise the victim that he/ she can request an EPO directly from a magistrate or the district attorney.

- b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO.
  - c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, or deny the abuser the right to possess a firearm, and provide other relief.
2. An officer can petition for an EPO by telephone or in person.
  3. The EPO remains in effect for up to 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 provided with a copy and informed of its requirements.
  5. A copy is also delivered to the Chief of Police and the communications center for the jurisdiction where the victim resides.

#### B. Protective Orders from Other States

Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in Texas. This applies to all orders in which the respondent has received notice and opportunity to attend a protective order hearing. Enforcement of out-of-state protective orders does not require that they be registered in Texas. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.14 Vehicle Operation</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <small>Chief of Police</small>	
	<b>Reference:</b> TBP: 7.15, 7.20, and 7.24	

## I. POLICY

All personnel operating department vehicles shall exercise due regard for the safety of all persons. Protection of life is the paramount goal of the department. No task, call, or incident justifies disregard of public safety. Further, the public expects its law enforcement officers to demonstrate exemplary driving skills. All department personnel who operate department vehicles will comply with the safe-driving procedures outlined in this policy with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be used consistent with both legal requirements and the safety of the public and department personnel.

## II. PURPOSE

The purpose of this policy is to establish procedures governing the operation of police vehicles.

## III. DEFINITIONS

- A. **Emergency driving.** Driving in response to a life-threatening or other serious incident (based on available information) that requires emergency equipment. Emergency driving -- with emergency lights and siren activated -- allows an officer to disregard certain traffic regulations, but officers must still drive with due regard for the safety of the officer and others.
- B. **Emergency equipment.** Emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that has this emergency equipment installed.
- C. **Normal or routine driving.** Driving that dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, and adherence to commonly understood "rules of the road."

## III. GENERAL PROCEDURES FOR ALL RESPONSES

- A. General

1. All departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Department vehicles are conspicuous symbols of authority on the streets and many people observe an officer's actions. Each officer must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the Transportation Code authorizes officers to disregard traffic regulations. Both the operator and the department, however, are not released from civil liability for failure to use reasonable care in such operations.

#### B. Routine operation

1. In case of accident or damage to any department vehicle, the driver shall immediately request the on-duty supervisor to conduct an investigation.
2. A driver involved in an accident shall write a memorandum detailing the circumstances.
3. Drivers shall report any found damage or other non-accident damage to their supervisor immediately and document the damage in an incident report.
4. Vehicles used in routine or general patrol service shall be conspicuously marked except those being used for covert patrol operations.
5. Unmarked cars shall not be used in any pursuit but may be used for patrol.
6. Unmarked cars that are provided with emergency lights and a siren may be used to stop vehicles.
7. Standard lighting equipment on marked vehicles includes hazardous warning lights, spotlights, and alley (side) lights on the rooftop light bar.
  - a. Hazardous warning lights may be used at any time the department vehicle is parked where other moving vehicles may be endangered.
  - b. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner that will blind or interfere with the vision of operators of approaching vehicles.
8. Seat belts and shoulder straps shall be worn by the driver and all passengers during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible.
  - a. Exception: When approaching an incident scene or a call where the officer believes that a rapid exit from the vehicle may be required, the officer may release his/her seat belt.
9. Any young children transported in a police vehicle will be transported in the manner prescribed by the Transportation Code using infant/child car seats when necessary.

#### C. Inspection

1. Before each duty assignment, officers shall check their vehicles for cleanliness, operability, and all required equipment.
2. Officers shall also ensure that vehicles have adequate levels of oil, brake fluid, power steering fluid, and gas. Any deficiencies should be reported to the supervisor.
3. Officers shall check the safety features of the vehicle before assuming duty. The check shall include, but is not limited to, all lights, brakes, siren, horn, and steering.
4. Officers shall also check tires for tread wear and proper inflation.

5. Officers shall examine their vehicles at the beginning and the end of their shifts for damage. Officers shall report any damage immediately to the on-duty supervisor.
6. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others. Rear seats shall be thoroughly checked.
7. Officers who discover a department vehicle in need of repairs shall immediately inform the on-duty supervisor.
8. If, in the opinion of the Chief of Police, vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.
9. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle that affects its operation.
10. Officers are responsible for maintaining the cleanliness of the interior and exterior of their assigned vehicle. During periods of inclement weather when department vehicles cannot be washed regularly, the driver must ensure that headlight and taillight lenses are kept clean, insofar as circumstances permit.
11. No officer or employee shall operate any department vehicle that he or she believes is unsafe.

#### D. Driving rules

1. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.
2. 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 may discontinue the use of the siren upon approaching the location of the occurrence. While this is allowed by Texas law and this policy, officers shall understand that to do so means that they are no longer operating in a manner that would warn other traffic and should remember that they still have a duty to drive with due regard for other motorists and pedestrians.
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 and four-way flashing lights shall be used to warn other drivers approaching the location.

9. Operators of department vehicles must bear in mind that the traffic regulation requiring other vehicles to yield the right of way to any emergency vehicle does not relieve emergency vehicle operators from the duty to drive with due regard for the safety of all persons using the highways. Nor does this traffic regulation protect the driver from the consequences of arbitrary use of this right-of-way regulation.

#### **IV. PROCEDURES FOR EMERGENCY DRIVING**

##### **A. General**

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him/her to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified.
2. Section 546.005 of the Transportation Code states that the exemptions to driving laws granted to emergency vehicle operators "does not relieve the operator from the duty to drive with appropriate regard for the safety of all persons or the consequences of reckless disregard for the safety of others." Recognizing that protection of human life is paramount, responding officers must remember that their objective is to get to the location of the occurrence as soon as possible--safely--without danger to themselves or to others.

B. Response codes: Calls for service are classified as Code 1 or Code 3, depending on circumstances. The codes are defined as follows:

1. Code 1 responses are utilized for any situation regardless of apparent urgency where the preservation of life is not a consideration. Units responding to Code 1 calls shall respond to the location without delay, complying with all traffic regulations, and shall not use emergency warning devices.
2. Code 3 responses are authorized for any emergency where the preservation of life is a consideration. Primary and support units responding to Code 3 calls shall proceed rapidly to the location of the emergency by the most direct means, using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers. Code 3 calls are authorized by the dispatcher, a field supervisor, or the patrol officer, subject to the considerations discussed below. Field supervisors shall closely monitor all Code 3 calls and shall respond if necessary.

NOTE: Field supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade assigned response codes.

##### **C. Dispatcher assignments**

1. The dispatcher shall assign Code 3 classification to any call that suggests the preservation of life is a consideration. (See B. 2, above.) Examples include a call that indicates a crime involving violence is in progress, or one where the suspect is armed, and any other requests alleging an implied or immediate threat to the safety of a person.
2. Some felonies-in-progress that do not apparently involve violence are dispatched as Code 3.
3. Examples of Code 3 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 fatal- accident or hit/run.
  - e. A riot or large disturbance with fighting or injuries or damages occurring.
  - f. An apparent homicide.
  - g. A fight or an assault-in-progress.
  - h. A sex offense in progress.
  - i. Domestic dispute with an assault in progress, or where the assault has just occurred with a suspect still present.
  - j. An in-progress suicide attempt.

#### 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 other units responding Code 3 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 the following:
    - i. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents, or disasters).
    - ii. As a visual signal to attract the attention of motorists being stopped for traffic violations, or to warn motorists of imminent dangers.
    - iii. Responding to Code 1 calls, where the officer has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as Code 3.
    - iv. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate response.

- v. In response to an officer's emergency request for assistance.
- vi. For pursuit. (See Policy 7.15)

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.



	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.15 Vehicle Pursuits</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP: 7.13, 7.14, 7.18, and 7.19.	

## I. POLICY

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue, they must continuously evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

Officers shall comply with all applicable portions of Policy 7.15 when they are involved in vehicle pursuits.

## II. PURPOSE

The purpose of this policy is to establish procedures governing the operation of police vehicles, with special attention to emergencies and pursuits.

## III. DEFINITIONS

- A. **Boxing in:** A deliberate tactic by two or more pursuit vehicles to force a pursued vehicle in a specific direction or to force it to reduce speed or stop by maneuvering the pursuit vehicles in front of, behind, or beside the pursued vehicle.
- B. **Caravanning:** Direct participation in a pursuit by department vehicles other than the primary and authorized support vehicles.
- C. **Emergency driving:** Driving in response to a life-threatening or other serious incident (based on available information) that requires emergency equipment in operation.
- D. **Emergency equipment:** Emergency lights and a siren, whistle, air horn or any other equipment designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.

- E. Normal or routine driving: Driving that dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly understood "rules of the road."
- F. Primary pursuit vehicle: Normally the department vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.
- G. Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend a suspect who is fleeing or evading apprehension, provided the officer reasonably believes that the suspect is refusing to stop and is willfully fleeing capture by high-speed driving or other evasive maneuvers. Pursuits shall be conducted only with activated emergency equipment and under circumstances outlined in this order.
- H. Not a pursuit: An attempt to stop a vehicle that is not fleeing, or an attempt to stop a vehicle that is refusing to stop while still obeying traffic-control devices and not exceeding the speed limit by more than ten miles per hour is not a pursuit.
- I. Risk: The degree of danger or hazard to the public or officers.
- J. Roadblock: Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.
- K. Support vehicles: The second or additional department vehicles participating in the pursuit that follow the primary pursuit vehicle at a safe distance. Once the vehicles have stopped, officers in the support vehicles can provide help for the officer in the primary vehicle or they can assume the primary role if circumstances dictate.

#### **IV. PROCEDURES FOR PURSUITS**

- A. Justification for pursuit:
  - 1. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intentions to avoid apprehension for a violent felony by refusing to stop when properly directed to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.
  - 2. Pursuits will not be initiated for traffic offenses, misdemeanors, or property felonies.
  - 3. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
  - 4. In deciding whether to initiate pursuit, the officer shall take into consideration:
    - a. road, weather and environmental conditions;
    - b. population density and vehicular and pedestrian traffic;

- c. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
- d. the seriousness of the offense;
- e. the presence of other persons in the police vehicle.

#### B. Primary officer responsibilities

1. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. Only marked vehicles with emergency equipment shall pursue.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment.
3. The officer shall notify the dispatcher of the following:
  - a. The location of the officer and the suspect's vehicle.
  - b. The direction of travel.
  - c. The license number (and state) of the suspect's vehicle.
  - d. The description of the suspect's vehicle.
  - e. The reason for the pursuit.
4. The officers will, to the best of their ability, keep the dispatcher informed of the location and direction of travel.
5. Whenever the risk to the public or to the officer outweighs the immediate need to apprehend the suspect, the officer will terminate the pursuit.

#### C. Supervisor's responsibilities

1. The on-duty supervisor shall monitor the pursuit and has the responsibility to ensure that it is conducted in compliance with department policy, and includes directing officers to join or abandon pursuit, re-designating primary and support pursuing vehicles if necessary, approving or directing pursuit tactics, and terminating the pursuit.
2. The on-duty patrol supervisor shall monitor the pursuit and may respond to the location of the stopped suspect. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.
3. No more than two department vehicles may pursue a fleeing suspect without the specific authorization of the on-duty supervisor. In authorizing additional department vehicles to pursue, the supervisor shall consider:
  - a. The nature of the offense.
  - b. The number of suspects.
  - c. The number of officers currently participating as primary or support vehicles.
  - d. Any injuries or property damage already sustained as a result of the pursuit.
  - e. Any other clear, articulated facts that would justify the assignment of additional department vehicles.
4. After the incident, the supervisor shall critique the pursuit with all of the officers involved and direct participants to submit reports.
5. The on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing officers of the department for the duration of the pursuit.

6. The on-duty supervisor may direct the use of tire-deflation devices, as appropriate. See paragraph J.12 below.

D. Supporting officers' responsibilities.

1. Normally the first back-up unit to respond shall help the primary officer in pursuing the suspect and making the arrest.
2. The secondary pursuing officer is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. Without being tasked with these communications responsibilities, the primary officer can focus attention on the pursuit driving.

E. Dispatcher's responsibilities

1. Notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
2. Record all pertinent information about the pursued vehicle.
3. Advise all other officers of the pursuit and the information given by the pursuing officer.
4. Assist in directing back-up units to strategic locations.
5. Alert all other nearby law enforcement agencies of the pursuit and information given by pursuing officer when continuing beyond the city.
6. Query MVD, TCIC, and NCIC for license data and any warrants.

F. Rules of pursuits

1. Officers shall not intentionally ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.
2. Boxing-in shall be performed only at low speeds and under the direct authorization of the on-duty supervisor and then only if the participating officers have been trained in the technique.
3. Caravanning is prohibited. Only two department vehicles (excluding the supervisor) shall participate in a pursuit at any time unless specifically authorized by a supervisor.
4. Officers shall not fire their weapons from a moving department vehicle.
5. If the on-duty supervisor orders the pursuit to end, the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than a few seconds.
6. The use of a stationary or rolling roadblock is prohibited.
7. When accompanied by civilian passengers, officers shall not pursue.
8. 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 use a different siren-sound selection, if circumstances and safety permit. The use of different siren-sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.
9. Should the suspect drive in a direction opposite to the flow of traffic, the pursuing officer shall not follow the suspect in the wrong direction but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel. The pursuing officer may be able to follow the suspect on a parallel road.

10. Officers involved in a pursuit shall not try to overtake or pass the suspect's vehicle.
11. Intersections are a particular source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, officers shall:
  - a. Slow and enter the intersection at a reduced speed and only when safe, when all other vehicles are aware of the officer's presence.
  - b. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the officer is requesting the right of way and does not absolutely have the right to run a red traffic light or stop sign.
12. Tire Deflation Devices
  - a. Officers who have been trained in the use of tire deflation devices are authorized to deploy the devices when approved by a supervisor.
  - b. Deployment must be made in safety and in an area that is free of obstructions for at least 100 yards in each direction.
  - c. Deployment is made per manufacturer's instructions, always keeping the deploying officer safe from possible vehicular danger.
  - d. The devices must be retracted prior to departmental vehicles running over them.
  - e. Officers deploying the device will notify on-coming departmental vehicles of the deployment location so that they may slow down and avoid running over the devices.

#### G. Out-of-jurisdiction pursuits

1. Pursuits beyond the local jurisdiction require the direct approval of the on-duty supervisor and, if approved, shall be conducted according to this order. The dispatcher shall notify the appropriate jurisdiction of the pursuit and request help.
2. Once the pursuit has entered another jurisdiction, if officers from that jurisdiction enter the pursuit, department officers shall cease their emergency driving (unless circumstances require their continued pursuit), turn off emergency equipment, and follow the pursuit while observing all posted speed limits and traffic control devices.
3. If officers from another jurisdiction pursue a suspect into our jurisdiction, department officers shall enter the pursuit only if the other agency specifically requests help and the on-duty supervisor approves the participation. Any non-pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstances dictate.
4. A fleeing suspect when arrested shall be taken before a judicial officer of the jurisdiction in which he/she was arrested regardless of where the pursuit began. The pursuing officers from the original jurisdiction shall then go before their local magistrate to obtain a warrant and ensure that a teletype is sent to the apprehending jurisdiction as soon as possible, acting as a detainer.
5. When a fleeing suspect from another jurisdiction is apprehended within the county, the apprehending officer shall take the arrested person before the city judge. The on-duty supervisor shall confer with the other jurisdiction to determine which shall maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective magistrate.


#### H. TERMINATING PURSUITS

1. This order has noted the necessity for a pursuing officer to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.
2. Officers shall discontinue a pursuit under the following circumstances:
  - a. The on-duty supervisor orders it.
  - b. The pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving.
  - c. The pursued vehicle has outdistanced the pursuing officer such that its location is not known.
  - d. A person has been injured during the pursuit and no medical or department personnel are able to provide help.
  - e. The pursuing officer perceives a clear, unreasonable danger to officers, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect at the time.
3. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and precede on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched in close proximity to offer assistance. The pursuing officer should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing officers. Should the individual stop and remain in the vehicle, officers will not rush the vehicle. Appropriate felony stop procedures should be used.

## **V. FOLLOW-UP REQUIREMENTS**

The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit whether or not the suspect was stopped. The initiating officer will complete a departmental Pursuit Report. Other officers involved will prepare a supplemental report documenting their participation. Reports shall be completed before the end of the officer's tour of duty.

- A. The supervisor shall collect and secure all video of the pursuit and shall review the pursuit for compliance with policy and forward all documentation to the Chief of Police or designee for review.
- B. The pursuit report with supervisory review will be forwarded to the Chief of Police or designee. The Chief or designee will also review the report and determine compliance with policy. The Chief of Police or designee will inform the supervisor of his findings. Should a policy violation be identified, the Chief will direct that an investigation be conducted as necessary.
- C. Annually, the Chief of Police or designee will cause an analysis of all vehicle pursuits occurring during the previous year to be conducted. The analysis will be designed to determine if the current policy is being followed, whether any changes are needed in the current policy, and any training needs of the department.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.16 Vehicle Impoundment and Inventory</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <span style="display: block; text-align: center; font-size: small;">Chief of Police</span>	
	<b>Reference:</b>	

## I. POLICY

A motor vehicle is an important piece of personal property that must be properly managed and supervised if the police take it into custody. Because abandoned vehicles constitute a public nuisance and a hazard to traffic, members of our community view their removal as an essential police service. Also, vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes. When towing is performed at an owner’s request, the owner will be given the option of specifying a towing company. The department will select a tow company in other cases. Officers will also specify a tow company if there is a traffic hazard and the tow company selected by an individual cannot arrive in a timely manner.

## II. PURPOSE

The purpose of this policy is to establish procedures for towing and for keeping an inventory of vehicles.

## III. AUTHORITY TO TOW

### A. Accident

1. Any vehicle involved in an accident shall be removed to the shoulder of the road or some other place out of the way of traffic as soon as possible after officers have obtained necessary investigative information.
2. Vehicles shall be removed from the shoulder without unnecessary delay.
3. The only departmental vehicles that can be used to push cars are ones that are equipped with push bars. The officer driving must have been trained in their use.
4. If the procedure above is not possible and a traffic hazard results, the officer may order towing of the vehicle at the owner's expense.
5. 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.
6. Following vehicle crashes, an officer may request impoundment under one or more of the following circumstances:
  - a. The operator is unwilling or unable to take charge of the vehicle.

- b. The vehicle cannot be legally parked and sufficiently secured at the scene.
- c. There is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.

B. Emergency

Any vehicle found illegally parked in the vicinity of a fire, a traffic accident or an area of emergency that 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 create 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. Unattended traffic hazard/violation of law

Officers may call for the tow of 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.

F. Unattended vehicle

Any motor vehicle left unattended for more than ten days upon any public street is subject to towing at the owner's expense.

G. Abandoned vehicle

- 1. Any motor vehicle abandoned on public property is subject to towing at the owner's expense. A vehicle may be presumed to be abandoned if it lacks either a current license plate, a current county, city, or town tag or sticker, and has been left unattended on public property (other than an interstate or primary highway) for more than 48 hours.

H. Removal from private property

- 1. No removal shall be ordered from private property.



2. Property or business owners may act immediately to have vehicles towed that are occupying a lot, area, space, building, or part thereof without permission of the owner.

#### I. Evidence/crime involvement

1. Upon supervisory approval, vehicles that are of an evidentiary value or have been used in the commission of a crime shall be towed at the request of the investigating officer to 241 Old Hueco (city yard) at department expense.
2. Impoundment of stolen vehicles or those suspected of being stolen is appropriate under the following circumstances:
  - a. The owner cannot be contacted.
  - b. The owner is contacted and cannot or will not respond in a reasonable amount of time.
  - c. Immediate removal is necessary for safety reasons or purposes of safekeeping.

NOTE: Towing of a vehicle that has been reported stolen is at the owner's expense.

NOTE: Officers should document reasonable efforts to contact owners with means readily available.

#### A. Prisoner's vehicles

1. Vehicles belonging to arrested persons that are left at the scene of the arrest may be at substantial risk of theft or of damage to the vehicle or to personal property contained in the vehicle. It is, therefore, the policy of this department to tow all prisoner's vehicles to an impound lot at the owner's expense for protection of the vehicle except in the following situations:
  - a. A friend or relative of the prisoner is at the scene, and the arrestee wishes to release the vehicle to that person provided the person possesses a current driver's license, and the arrestee consents to the release either in writing or on the audio/video in-car recording system.
  - b. The arrestee agrees to lock and leave the vehicle in a legal parking space where a parking violation will not occur before arrangements can be made to recover the car.
2. The officer may have the vehicle towed if he or she believes the above methods of vehicle release would not properly protect the vehicle or its contents.
3. A vehicle shall be towed if a subject is arrested and one of the following circumstances exists:
  - a. The vehicle was used in a crime.
  - b. The vehicle contains evidence of a crime that cannot be processed at the scene.
4. Officers should not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively, and safely conducted at or near the scene.
5. A "hold" may be placed on any vehicle impounded for evidence for the period of time necessary to complete evidence collection.
6. Holds on vehicles must be approved by an agency supervisor.

7. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner.

B. Impoundment for Forfeiture

1. As specified by state law, officers may impound a motor vehicle with the intent of initiating forfeiture proceedings when the vehicle is used in the commission of a crime.
2. Officers should contact a supervisor before initiating forfeiture proceedings and shall follow forfeiture procedures as provided by this agency.

## II. TOWING PROCEDURES

- A. Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance. For example, vehicles cannot be impounded 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 an impoundment is ordered, the operator of the vehicle and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided transportation.
- C. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the appropriate reporting document.
- D. Officers shall know under which provisions (subparagraphs A-J above) and laws the vehicle is to be towed.
- E. If possible, the officer should use the vehicle owner's or operator's choice of towing company.
- F. If the owner/operator does not wish to specify a towing firm or is not available to make a choice, the officer shall ask the dispatcher to send a rotational wrecker.
- G. In an emergency involving major traffic congestion owing to a disabled vehicle, the officer shall notify the dispatcher and request a rotational wrecker when the owners wrecker choice would exceed 20 minutes response time
- H. If the vehicle involved in an emergency is larger than the normal passenger vehicle or pickup size, the officer shall so advise the dispatcher, who has a separate list of specially equipped wrecker services.
- I. Dispatchers shall log each instance of calling a tow service, including the time he or she called the tow service.
- J. When the wrecker arrives on the scene, the officer shall advise the dispatcher of time of arrival and any subsequent problems.

- K. Dispatchers shall be notified of all requests to tow vehicles by officers or owners of private property and shall record date, time, place towed from and to, license number, make or model, and color of vehicle in the towed-vehicle log.
- L. Contracted towing companies agree to respond to scenes within 20 minutes of a call. If a called wrecker does not arrive within the allotted time, the officer may ask the dispatcher to cancel the original wrecker and order a wrecker from another company.

### III. 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.
- 2. The purpose of the inventory is to protect the owner's property and to protect the department against claims and possible dangers.
- 3. Inventories may be conducted without a warrant or probable cause in the following situations:
  - a. The vehicle has been lawfully seized or impounded.
  - b. Before towing the vehicle for violations, safety reasons, or other purposes as defined by law.

#### B. Inventory vs. search

- 1. An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not an inventory but a vehicle search and as such is governed by Policies 7.4 and 7.5.
- 2. Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked shall not be inventoried.
- 3. Officers are reminded of the "plain view doctrine" and the limitations upon the authority to search incidental to a lawful arrest. See Policy 7.4 for further details.
- 4. A vehicle inventory report shall be completed whenever an officer assumes responsibility for towing a vehicle and shall complete an inventory at the location where the vehicle was seized unless reasons of safety or practicality require the inventory to take place later or at a different location.
- 5. Before the vehicle is removed, officers shall obtain the signature of the tow-truck driver on the inventory report and provide the tow driver a duplicate copy of the report.
- 6. These inventories are further designed to protect the department from false claims of loss by others.

#### 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 areas shall not be forcibly entered if doing so will damage them. Locked areas 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 of a crime, or instrumentalities of a crime discovered during an inventory shall be handled in accordance with evidence procedures.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.17 Communicable Diseases</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b>	

## I. POLICY

The department bears an obligation to the public and to its own personnel to increase awareness about risks, modes of transmission, and procedures for handling communicable diseases such as hepatitis B, tuberculosis, HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immune Deficiency Syndrome), and AIDS-related infections.

Officers cannot refuse to work with or handle anyone--victim, complainant, or suspect--because of the officer's fears of possible infection. Personnel shall not refuse to arrest or otherwise refuse to handle any person in a legitimate law enforcement context, provided that appropriate protective equipment is available. The measures provided herein will assist officers in carrying out their duties while simultaneously minimizing health risks. Officers shall act responsibly in minimizing the risk of infection when dealing with any person, male or female, child or adult, or with any body fluids. A few simple precautions, however, will avoid the risk of infection almost entirely.

The department shall provide employees with information and education on prevention of communicable diseases, as well as safety equipment and procedures to minimize their risks of exposure. The department has instituted post-exposure reporting, evaluation, and treatment for all members exposed to communicable diseases.

This policy is not intended to address all known diseases. For example, Ebola and other highly contagious diseases are not specifically addressed. Officers of this department will work closely with all stakeholders to develop response protocols that are safe and effective for everyone involved.

## II. PURPOSE

The purpose of this order is to establish guidelines and procedures to be followed when a member of the department is exposed to a communicable disease with a risk of major illness or death, and for handling of evidence or property that may be contaminated.

## III. DEFINITIONS

A. Communicable disease

An infectious disease capable of being passed to another by contact with an infected person or his/her body fluids or on an object.

#### B. HIV (Human Immunodeficiency Virus)

The virus that causes AIDS. HIV infects and destroys certain white blood cells, undermining the body's ability to combat infection. (Also named HTLV-III or LAV). Technically speaking, this general order aims to reduce the chance of HIV transmission, the virus that causes AIDS. HIV is transmitted through very specific body fluids, including blood, semen, vaginal fluids, and breast milk.

#### C. ARC (AIDS-Related Complex)

A condition caused by the aids virus (HIV) and has a specific set of symptoms. Such symptoms include persistent fever, weight loss, skin rashes, diarrhea, and swollen lymph nodes. Although these symptoms may be debilitating, they are generally not life-threatening.

#### D. AIDS (Acquired Immune Deficiency Syndrome)

A blood borne and sexually-transmitted disease that attacks and destroys the body's immune system. It makes people susceptible to infections, malignancies, and diseases not generally life-threatening to persons with normal immune systems. AIDS also causes disorders of the central nervous system. There is no vaccine against the virus. Personnel are advised that AIDS is not transmitted through any of the following (according to the Centers for Disease Control):

- a. Sneezing, coughing, spitting.
- b. Handshakes, hugging, or other nonsexual physical contact.
- c. Toilet seats, bathtubs, or showers.
- d. Various utensils, dishes, or linens used by persons with AIDS.
- e. Articles worn or handled by persons with AIDS, i.e., doorknobs, pens, or cups.
- f. Being near someone with AIDS frequently or over a long period of time.
- g. Riding the same transportation.
- h. Eating in the same public place with an AIDS-infected person.
- i. Working in the same office.

#### E. Seropositivity

Refers to a person having antibodies to HIV, meaning that infection has occurred at some time in the past. A seropositive person can be infected with HIV for years without ever developing symptoms of AIDS. Infected persons can transmit the virus even though they may not have symptoms of AIDS.

#### F. Hepatitis B (HBV)

A viral infection that can result in jaundice, cirrhosis, and, sometimes, cancer of the liver. The virus is transmitted through exposure to blood, semen, vaginal secretions, breast milk, and possibly saliva. Two vaccines are currently available against hepatitis B [Recombivax (synthetic) or Heptivax (serum derived)].

#### G. Tuberculosis

A bacterial disease that can be transmitted through saliva, urine, blood, and other body fluids by persons infected with it. Tuberculosis is spread primarily through airborne droplets from infected coughing people. It can enter the body through infected mucous on the skin (as from coughing or sneezing) or from droplets that are inhaled. It is an airborne, opportunistic disease and it primarily causes lung infection. Although no vaccine against tuberculosis exists, medications are available to treat the disease.

#### H. Exposure control program

A written agency plan, available to all employees, which details the steps taken to eliminate or minimize exposure incidents and identifies at-risk tasks and assignments.

#### I. Personal protective equipment (PPE)

Specialized clothing or equipment worn or used by employees for protection against infection. PPE does not include uniforms or work clothes without special protective qualities.

#### J. Universal precautions

Controls or procedures advised by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that blood and body fluids are potentially infectious. This is true, for example, with persons thought to have been infected with the Ebola virus.

### **IV. GENERAL RESPONSIBILITIES**

A. The Chief of Police or designee shall ensure that adequate supplies are available for communicable disease control within the department. Supervisors are responsible for maintaining continuously an adequate supply of Personal Protective supplies for all affected personnel within their purview. Further, supervisors must ensure that:

1. Personal protective equipment and supplies (PPE) can be found in sufficient quantities at advertised locations.
2. Hypoallergenic gloves and other materials are available for employees allergic to standard-issue gear.
3. Supplies are routinely inspected, replaced, cleaned.
4. First Aid supplies and disinfectants are available always.

- B. The Chief of Police, through his or her subordinate supervisors, shall ensure that the department vehicles will each contain the following PPE supplies at all times:
- a. 3 pairs of disposable latex gloves
  - b. 2 pairs Penetration resistant gloves
  - c. 1 disposable face mask
  - d. 6 absorbent disposable towels
  - e. 3 disposable plastic bags with contaminated material seals
  - f. 1 bottle of alcohol-based cleanser
  - g. 1 CPR shield (with a 1-way valve to prevent the patient's saliva from entering the caregiver's mouth)
  - h. 1 pair of wrap-around safety goggles
  - i. 1 carrying bag with zipper closure
  - j. 1 pair disposable shoe coverings
  - k. 2 puncture-resistant, leak proof containers for needles and other sharp objects
  - l. 1 box of waterproof bandages
- C. Officers using supplies in their vehicles shall replace them or arrange to have them replaced as soon as possible. Officers shall maintain disposable gloves in their personal possession at all times.
- D. The Chief of Police or his/her designee shall cause to be maintained at the department office the following:
- a. 3 pair coveralls (different sizes)
  - b. supply of disposable latex gloves
  - c. orange/red plastic biohazard bags and tape, or plastic bags and sealing ties
  - d. liquid household bleach
  - e. disposable towels/towelettes
  - f. "Isolation Area - Do Not Enter" signs
  - g. buckets, mops
- E. Personnel shall use protective equipment under all appropriate circumstances unless the officer can justify otherwise.
- Officers who, for whatever reason, do not use protective gear when appropriate shall document the incident as soon as practicable for department review.
- F. All personnel whose skin comes into contact with body fluids of another shall begin disinfection procedures immediately: these procedures range from simple soap-and-water washing to the use of alcohol or antiseptic towelettes. All open cuts and abrasions shall be covered with waterproof bandages before personnel report for duty.

## V. GENERAL PRECAUTIONS

- A. General



Whenever possible, officers shall wear disposable latex gloves when doing any of the following:

1. Handling persons or items with any blood or body fluid products (hypodermic needles, syringes, or surfaces soiled with blood or body fluids, gun or knife wounds).
2. Packaging and handling such items as evidence.
3. Cleaning up blood or other secretions which appear on floors, seats, equipment, handcuffs, shoes, clothing, pens, pencils, etc.

#### B. Specialized devices

1. Masks shall be worn whenever splashes, spray, spatter, or droplets of potentially infectious fluids endanger contamination through the eyes, nose, or mouth. Masks may be worn with other protective devices such as goggles. Gowns, jackets, coats, aprons, or coveralls shall be worn as determined by the degree of exposure anticipated.
2. Fire Department personnel have access to complete bio-hazard suits and equipment if needed.

#### C. Handling people

1. Wash hands thoroughly for thirty seconds with warm water and soap after removing gloves (when handling evidence) or after contact with the subject (if bleeding or vomiting). If water is unavailable, use pre-moistened towelettes found in the communicable disease control kit to decontaminate skin.
2. Penetration resistant gloves or their equivalent shall be worn when searching persons or dealing in environments, such as accident scenes, where sharp objects and bodily fluids may reasonably be encountered. Search techniques shall be used that require suspects to empty their own pockets or purses and remove sharp objects from their persons.
3. When transporting prisoners do not put fingers in or near any person's mouth.
4. Transport persons with body fluids on their persons in separate vehicles from other persons. A person who is bleeding or producing a fluid may have to wear a protective covering.
5. Notify other support personnel or law enforcement officers during a transfer of custody that the suspect has fluids on his or her person, or that the suspect has stated that he or she has a communicable disease. Booking forms should so state.

#### D. Handling objects

1. Objects contaminated with body fluids shall be completely dried, double bagged, and marked to identify possible disease contamination.

2. Contaminated items to be disposed of shall be placed in Bio-Hazard bags and sealed.
3. Officers shall use extra care when handling any sharp objects. If officers find syringes, they shall not bend, recap, or otherwise manipulate the needle in any way, but shall place them in puncture-resistant containers provided by the department.

#### E. Handling fluids

1. Clean up blood spills or other body fluids with regular household bleach diluted 1-part bleach to 10 parts water (or use undiluted bleach, if easier). Bleach dilutions should be prepared at least every 24 hours to retain effectiveness.
2. Wear latex gloves during this procedure.
3. A soiled uniform (by blood or body fluids) should be changed as soon as possible. Wash in hot water and detergent or Dry Clean. If Dry Cleaning, advise the Dry Cleaner staff of the bio-hazard.
4. Departmental vehicles within which body fluids are spilled require immediate disinfection procedures. Employees who have the vehicles assigned to them shall notify their supervisor of the spill and arrange for a thorough cleaning as soon as possible.
5. All police vehicles will be cleaned with disinfectant as part of a routine, scheduled washing and maintenance check.

#### F. Precautions when bitten

The danger of infection through bites is low. The victim cannot be infected with HIV through the blood of the biting person unless that person has blood in his or her mouth which comes into contact with the victim's blood. HIV cannot be transmitted through saliva. With HBV, however, transmission takes place through infected blood or blood-derived body fluids. Infection takes place by exposure of the eyes, mouth, or mucous membranes to the virus. Precautionary procedures to minimize the risk of infection include:

1. Encouraging the wound to bleed by applying pressure and gently "milking" the wound.
2. Washing the area thoroughly with soap and hot running water.
3. Seeking medical attention at the nearest hospital (if the skin is broken).
4. Advising your supervisor, make a report, or follow any other policy for reporting injuries, including the filing of appropriate Worker's Compensation forms.

#### G. Precautions when punctured by needles or knives

If an officer is cut or punctured by a needle or a knife or other instrument while searching a suspect or handling contaminated evidence, follow these general guidelines:

1. Allow the wound to bleed (unless severe bleeding occurs) until all flow ceases. Then cleanse the wound with alcohol-based cleanser (or pre-moistened towelettes) and then with soap and water. Do not rely exclusively on towelettes: wash wounds thoroughly with soap and water.
2. Seek medical attention as soon as possible after the injury. A physician will then decide the proper treatment.
3. Advise your supervisor, make a report, or follow any other policy for reporting injuries, including the filing of appropriate Worker's Compensation forms.

#### H. Precautions at major crime scenes

1. At the crime scene, officers and crime scene technicians confront unusual hazards, especially when the crime scene involves violent behavior such as homicides where large amounts of blood have been shed.
  - a. No person at any crime scene shall eat, drink, or smoke due to the potential hazard.
  - b. The best protection is to wear disposable latex gloves. Any person with a cut, abrasion, or any other break in the skin on the hands should never handle blood or other body fluids without protection. Officers shall carry latex gloves on their persons at all times.
  - c. Latex gloves should be changed when they become torn or heavily soiled or if an officer leaves the crime scene (even temporarily).
  - d. If cotton gloves are worn when working with items having potential latent fingerprint value, wear cotton gloves over latex gloves.
  - e. Hands should be washed after gloves are removed, even if the gloves appear to be intact. Officers shall take care to avoid contact between skin and soiled gloves.
  - f. Always keep a plastic bag in the communicable disease control kit to be used only to collect contaminated items (gloves, masks, etc.) until they can be disposed of properly. Clearly mark the bag "Contaminated Material."
  - g. Shoes and boots can become contaminated with blood. Wash with soap and water when leaving the crime scene or use protective disposable shoe coverings.
  - h. Wrap-around eye safety goggles and face masks should be worn when the possibility exists that dried or liquid particles of body fluids may strike the face.

Particles of dried blood, when scraped, fly in many directions, so wear goggles and masks when removing the stain for laboratory analysis.

- i. Crime scene search personnel will wear full coveralls, protective goggles, shoe covers, gloves, and particulate masks when entering a crime scene where large amounts of blood or other body fluids are expected.
2. While processing the crime scene, be constantly on the alert for sharp objects, such as hypodermic needles, razors, knives, broken glass, nails, etc. Use of mirrors may be appropriate while looking under car seats, beds, etc.
3. Use tape--never metal staples--when packaging evidence.
4. If practicable, use only disposable items at a crime scene where blood or other body fluids are present.
5. Before releasing the crime scene, advise the owner of the potential infection risk and suggest that the owner contact the local health department for advice.
6. Warning labels must be placed on all plastic evidence bags to go to the crime laboratory.

## **VI. VACCINATIONS**

The department affords all employees who have occupational exposure to hepatitis B the opportunity to take the HBV vaccination series at no cost within 10 working days of assignment to an occupationally exposed duty. The vaccination shall be provided only after the employee has received departmental training in communicable diseases, is medically fit for the vaccinations, and has not previously received them.

## **VII. OCCUPATIONAL EXPOSURE TO COMMUNICABLE DISEASES**

### **A. Notification**

1. As soon as practicable, all employees shall document possible exposure to infectious fluids or materials. In any case, employees shall immediately notify their supervisor of possible exposure.
2. Examples of such exposure include:
  - a. Direct contact with body fluids on chapped or open areas (cuts, scratches) on the skin or on mucous membranes (i.e., eyes, mouth).
  - b. Direct mouth-to-mouth resuscitation (CPR) without use of a one-way valve.
  - c. Receiving a cut or puncture wound as a result of searching or arresting a suspect or handling contaminated evidence.

## B. Testing

1. If a member of the department is exposed to the body fluids of a person who has or is suspected to have a communicable disease, the member must be evaluated for evidence of infection by the department physician.
  - a. The person whose body fluids came into contact with an officer may state that he or she has AIDS. Often, a person may try to prevent police from withdrawing blood for drug screening (as in a DWI arrest), although, in fact, he or she is not infected at all. While the department cannot coerce an individual--suspect or otherwise--to take periodic tests for infection, the department shall try to convince the subject who may have transmitted infection to do so.
  - b. HSC 81.050 states that if any person or employee has been exposed to body fluids, the person or employee whose fluids were involved will be requested by the agency to consent to HBV or HIV testing and disclosure of results.
  - c. CCP 21.31 provides measures whereby a person charged with any crime involving sexual assault, or particular offenses against children, may be ordered to submit to HIV testing.
  - d. Personnel should understand the difficulty of transmitting HIV and hepatitis B. If infection control measures have been followed, the risk is very low.

C. Testing for presence of infection shall be done if indicated by a medical assessment (after an incident involving the possible transfer of blood or other body fluids). The following information details testing methods and their reliability.

### 1. AIDS/ARC/HIV

- a. Blood tests can detect HIV antibodies (produced by the body's immune system).
- b. The two common tests for HIV antibodies are the ELISA (Enzyme-Linked Immunosorbent Assay) and the Western Blot. Since the ELISA is less expensive and easier to perform, it is usually used as a first screen for HIV. If the ELISA identifies the person as seropositive, a second ELISA is performed. If the second test is also positive, a Western Blot is usually performed to confirm the results.
- c. Since HIV antibodies may not develop for some months after a person has been infected, an initial negative result may not mean freedom from infection. Typically, three to six months elapse following an infection for a positive reaction to occur. High false positive rates also occur with the use of only ELISA test.
- d. One must be tested, then, immediately following the incident (for a baseline) and then six and twelve months later.

## 2. Hepatitis B

A blood test can confirm the presence of hepatitis B virus six to eight weeks after exposure. Note that different tests exist for hepatitis B depending on the reason for testing.

## 3. Tuberculosis

- a. This disease is detected first by a skin test, and then confirmed by an x-ray. The department physician can order this test for the department employee.

### D. Confidentiality

1. Confidentiality of information concerning test results is paramount. The victim has a right to privacy in employer-maintained information about his/her health. No need exists for a supervisor routinely to know that a person tests positive (for HIV or hepatitis B). The department views a breach of confidentiality as a serious disciplinary problem which may result in suspension or termination of employment.
2. Under most circumstances, medical authorities will retain confidential records unless the employee tested requests it or state law requires it.

### E. Positive test results

1. Any person who tests positive for HIV or hepatitis B shall not be summarily removed from duty. The department shall make no restrictions simply because of diagnosis. These diseases are not spread by casual contact (as between coworkers in the department). The department shall alter an employee's assignment only when he or she can no longer perform the required duties.
2. The department shall ensure continued testing, if necessary, of members for evidence of infection, and shall provide psychological counseling if necessary.
3. Any person who tests positive for tuberculosis may be restricted from working for a period of time. The medical evaluation will determine the stage and type of disease the person has contracted and if he/she is contagious. A tuberculosis-infected person requires medication and shall not return to work until the doctor says he/she is non-communicable. (Tuberculosis is easily transmitted and its incidence in Virginia has recently shown a slight increase. After exposure to tuberculosis, a person may, after a medical evaluation, take medicine to help prevent the disease.)

### F. Job performance

1. Infected employees shall continue working as long as they maintain acceptable performance and do not pose a safety or health threat to themselves or others in the department.
2. Where feasible, an employee who has medical complications from a communicable disease will either be reassigned to another job or have his/her job restructured so that he/she can remain employed. As necessary, medical documentation shall support requests for job restructure or reassignment. All personnel shall treat such employees in the same manner as employees who suffer from other serious diseases or handicaps: that is, fairly, courteously, and with dignity.

The department may require an employee to be examined by the department physician to determine if he/she is able to perform his/her duties without hazard to him/herself or others.

#### G. Discrimination

The department expects all personnel to continue working relationships with any fellow employee recognized as having AIDS/ARC, hepatitis B, or non-communicable tuberculosis. The department will consider appropriate corrective or disciplinary action against an employee who threatens or refuses to work with an infected employee or who disrupts the department's mission.

#### H. Records

The agency maintains a record for each employee detailing incidents of occupational exposure, including information on vaccination status; the results of examinations and tests; health care professionals' written opinion; and any other relevant information. These records are retained by the Chief in secure storage for the duration of tenure of employment and shall not be disclosed or reported without the express written consent of the employee.

### **VIII. TRAINING**

- A. The training officer shall ensure that all members of the agency receive a course of instruction on blood borne diseases and the use of Personal Protective equipment before their initial assignment. Further, each affected employee will receive annual refresher training plus any additional training appropriate to the particular employee assignment.
- B. The training officer shall retain complete records on instruction of employees to include dates of training; content of sessions; names and qualifications of trainers; names and job titles of attending employees.
- C. The training officer is responsible for dissemination of updated information to all personnel and for appropriate educational programs about communicable diseases. These programs shall include at a minimum:
  1. Written information concerning AIDS/ARC/HIV, hepatitis B, and tuberculosis in the form of brochures, bulletins, memorandums, or fact sheets.


2. Group and/or individual presentations and discussions provided by adequately trained personnel or experts from outside the department.
3. Local resources for further medical and law enforcement information.

## **IX. AIDS-RELATED CONCERNS OF PERSONNEL**

ISSUE	INFORMATION
Human Bites	A person who bites is typically the one who gets the blood; viral transmission through saliva is highly unlikely. If bitten by anyone, gently milk wound to make it bleed, wash the area, and seek medical attention.
Spitting	Viral transmission through saliva is highly unlikely.
Urine/feces	Virus isolated in only very low concentrations in urine; not at all in feces; no cases of AIDS or HIV infection associated with either urine or feces.
CPR/first aid	To eliminate the already minimal risk associated with CPR, use masks/airways; avoid blood-to-blood contact by keeping open wounds covered and wearing gloves when in contact with bleeding wounds.
Body removal	Observe crime scene rule: do not touch anything; those who must come into contact with blood or other body fluids should wear gloves.
Casual contact	No cases of AIDS or HIV infection attributed to casual contact.
Any contact with blood or body fluids	Wash thoroughly with soap and water; clean up spills with 1:10 solution of household bleach.

\*Source: Adapted from: AIDS and the Law Enforcement Officer: Concerns and Policy Responses by Theodore M. Hammett, Ph.D., National Institute of Justice, U.S. Department of Justice, June, 1987



	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.20 Patrol Operations</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b> TBP: 7.01	

## I. POLICY

Patrol is the primary activity of law enforcement. It includes much more than driving through neighborhoods looking for evidence of law breaking. The department expects officers to conduct patrol vigorously and fairly in order to enforce traffic and criminal laws, answer complaints, conduct investigations, promote community-relations activities, and prevent crime.

## II. PURPOSE

The purpose of this policy is to define and outline general procedures for patrol operations. Procedures for handling specific calls for service are presented in the Patrol Standard Operating Procedures.

## III. ORGANIZATION AND ADMINISTRATION

### A. Organization

The patrol division is commanded by a police lieutenant and is comprised of officers assigned to both the patrol and traffic functions under the direct supervision of sergeants. The sergeants report to the patrol lieutenant.

### B. Hours of Operation

The patrol division operates on a 24-hour, seven-days-a-week schedule.

### C. Patrol Division Responsibilities

1. Responsible for the preliminary investigation of calls for police services, accident investigation, traffic enforcement, crime prevention, those duties which by their very nature require the actions of a police officer, and assignments which may be given by a commanding officer.
2. Composed of designated shifts, each under the command of a police sergeant, corporal or other designated supervisor, who reports to the Chief of Police.

#### D. Divisional Personnel Staffing

##### 1. Patrol Staffing

- a. Personnel are distributed amongst scheduled patrol shifts.. The Chief of Police assigns personnel to shifts based upon distribution of calls for service and departmental staffing needs.
- b. Minimum staffing for patrol functions is three sworn officers.
- c. Personnel are scheduled to work (40) forty-hours week.
- d. Personnel assigned to the patrol division have rotating days off.


#### **IV. PROCEDURES - Conduct while on patrol**

- A. Officers shall acquaint themselves with the geography of their patrol assignment, and particularly the location of highways and traffic hazards. Officers shall also become familiar with the names and addresses of habitual criminals and law violators, first-aid stations, hospitals, fire and rescue stations, magistrates, general district and county courts, medical examiners, public and private social service agencies, and any other public or private officials that prove helpful in the administration of their duties.
- B. Officers shall promptly respond to all calls dispatched to them. Calls that appear to be a risk to the physical well being of a person take precedence over calls that are reporting danger or loss of property. In all cases, when dispatched to a call, the officer will respond directly and expediently.
- C. Officers shall initiate investigations into suspicious activities to prevent criminal activity.
- D. Patrol Officers are responsible for the preliminary investigations of criminal offenses occurring in the city.
- E. When an officer observes a violation of the law, subject to the authority and discretion discussed in Policy 1.2, he or she shall either (1) warn and release, (2) arrest, or (3) issue a summons to the violator to appear before the court having jurisdiction.
- F. Without exception, officers transporting non-department civilians (non-employees) shall notify the dispatcher of the transport. The report shall include the point of origin, vehicle odometer reading, and the destination. Upon arriving at the stated destination the officer shall notify the dispatcher and give the odometer reading. The communications operator shall log the information and record the time of each notification.
- G. To the capabilities of their training and qualifications, officers shall provide general and emergency assistance to motorists. Assistance includes providing information and directions, assisting stranded or disabled motorists, and obtaining medical and other emergency assistance. Officers shall, within reason, ensure that the requested service is provided in a timely fashion. If, after arranging for assistance, the officer is unable to remain with the motorists until help arrives, he/she shall take the

necessary steps to provide safety to the motorists or arrange for transportation. If the need arises, officers may transport a motorist to a place of safety.

## **V. COMPLIANCE WITH PATROL STANDARD OPERATING PROCEDURE**

- A. The patrol Standard Operating Procedure manual is designed to provide direction to all officers in patrol operations and the handling of routine calls.
- B. All officers who respond to calls for service or calls to assist patrol officers will become familiar with the operational procedures. Officers are expected to follow the Patrol SOP unless specific other actions are approved or directed by a supervisor.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.21 Bike Patrol Operations</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b>	

## I. POLICY

It is the policy of the Socorro Police Department to utilize bicycles to conduct proactive patrol during normal tours of duty. Police bicycles combine mobility with close citizen contact, and they are also useful for patrol and crowd control during special events. Use of bike patrols will provide police services in the areas where they are assigned. Bike patrols provide police services to areas such as residential neighborhoods, public housing, business districts, parks, recreational areas, and other areas as appropriate. The primary function of a bike patrol is to serve as an effective proactive force in crime prevention, detection, and enforcement.

The purposes of the bicycle patrol are to reduce criminal activity within specific areas and significantly increase positive community relations by increased visibility. The bicycle officer is more available to the citizens than officers in patrol vehicles. This accessibility enhances a more personal relationship between the community and the police department.

## II. PURPOSE

The purpose of this policy is to define and outline the department's approach to its bicycle patrol unit, including training requirements and the duties of the officers in the unit.

## III. ORGANIZATION, ADMINISTRATION, AND TRAINING

### A. Organization

1. All bicycle officers will be assigned to the patrol division and will be under the command of the special operations sergeant.
2. Bicycle patrol officers are deployed under the direct command of the on-duty supervisor.
3. A bicycle patrol coordinator will be assigned and will act as a facilitator of the unit. This assignment will be a collateral duty, done in addition to the selected individual's primary duties.

### B. Bike Patrol Coordinators Responsibilities

The person assigned as the coordinator will be required to meet all of the training and physical requirements of the bicycle unit. The bike patrol coordinator shall have the following responsibilities:

1. Inspect and provide general maintenance of the bicycle fleet on a regular basis.
2. Complete an annual inventory and operational inspection of the entire bike fleet to be completed and with a report submitted to the senior sergeant by the last day of the month of February.
3. Keep maintenance records on each bicycle and who that bike is assigned to.
4. Maintain an inventory of minor replacement parts for the bike fleet (i.e. tubes, tires, chain grease, etc.).

#### C. Hours of Operations

Authorized bike patrol officers may operate with the approval of the bike coordinator and that officer's immediate supervisor during any normal tour of duty day or night. Officers on patrol at night shall be required to use a head light as required by Texas Traffic Code, have a flashing "red" tail light, and wear reflective material on their blouse or shirt.

#### D. Selection

1. Officers will be selected for bike patrol duty based on need, availability of bicycles, and performance. When additional bicycle patrol positions are open and funding exists for training, the department will post a notice and officers will submit their names for consideration.
2. No officer will be assigned to bike patrol without first successfully completing the department's FTO program.

#### E. Training

1. Before participating as part of the bicycle patrol, officers must complete a TCOLE-approved school such as one sponsored by the International Police Mountain Bike Association (IPMBA) or equivalent. This course may be taught in-house or at another police training facility by a certified bicycle patrol trainer.
2. Only officers that have completed the above requirements/qualifications are authorized to ride department bicycles.

#### F. Uniform, Appearance, and Equipment

1. Due to the high-profile nature of the bicycle patrol, it is strongly encouraged that officers maintain a high standard of grooming and appearance.
2. Any officer chosen for bicycle patrol will operate with a departmentally approved bicycle, helmet, blouse/shirt, shorts, gloves, and other equipment as needed. Officers on bicycle patrol duty will wear the helmet and gloves at all times.
3. Officers will wear their standard departmental uniform as their daily uniform and shall have their bicycle uniform readily available. Officers who knows ahead of time that they will be

on bicycle patrol for that particular shift may wear their bike uniform to show up; however, they will be required to have their standard uniform readily available in case they are removed from the bike for the remainder of the shift. Officers will refer to policy 4.5: “Uniforms, Appearance, and Equipment” for any other uniform questions.


4. The bicycle uniform shall not be worn on off-duty assignments unless approval has been given by the police captain.
5. Bicycle officers shall not wear their winter jacket when they are wearing the standard patrol uniform.
6. Departmental bicycles will not be used for any purpose other than departmental functions unless approved by the police lieutenant.
7. No personally owned bicycles will be used for police operations unless approved by the Chief of Police or designee

#### G. Bicycle Maintenance

1. Before riding, officers shall perform a pre-ride check of the bicycle (e.g., tire pressure, headlights, chain lubrication, etc.).
2. Minor maintenance or repairs will be done by the bicycle officers.
3. Repairs that cannot be completed by police personnel will be done by an authorized bike dealer/shop.

#### H. General Duties and Deployment

1. Bicycle officers will remain flexible in days off and hours worked, depending on the operation being undertaken.
2. Bicycle officers will have access to bicycle racks to be used for the back of their assigned patrol vehicle. Bicycle racks are to be used for no other purpose then to transport bicycles unless other uses are approved by the police captain.
3. It is possible the officers will be assigned as a roving unit so as to be free to patrol on the bike when and where they are needed.
4. They may ride in pairs or alone.
5. Bicycle officers will function just as if they were deployed in a squad car, day or night. They will complete all the job tasks and provide all normal service requests from the citizens, the same as if they were in a patrol vehicle.
6. Officers may respond to calls for service in their assigned area. There may arise a need to have a marked unit respond to assist the bicycle officer. The determination of the need will be made by the bicycle officer and the on-duty supervisor.
7. Before their tour begins officers should have all pertinent report forms, ticket books, and literature to hand out to the public.
8. Bicycle officers may also assist in conducting plain-clothes activities, including surveillance or other covert activities. These types of operations must first be approved by the police lieutenant.
9. Bicycle officers will not deploy during bad weather conditions, e.g., snow, extreme cold, or severe rain.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.30 Traffic Enforcement</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b> TBP: 7.21, 7.22, and 7.28	

## I. POLICY

Traffic law enforcement involves all activities or operations which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. It is the policy of this department that motor vehicle stops shall be performed professionally and courteously, and with a view towards educating the public about proper driving procedures while recognizing and taking steps to minimize the dangers involved in this activity for the officer, the motorist, and other users of the highway.

Overzealous enforcement, however, without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic.

## II. PURPOSE

It is the purpose of this policy to establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the officer and the motorist.

## III. PROCEDURES

### A. Legal Basis for Stopping Motor Vehicles

1. Officers have legal justification for stopping a motor vehicle as provided by the Fourth Amendment to the U.S. Constitution. Without such justification, evidence of illegal activity discovered during the course of a stop may be inadmissible in court.
2. Officers are prohibited from stopping vehicles under the guise of legal authority when in fact the stop is based solely on the officer's prejudice concerning a person's race, ethnicity, sex, or similar distinction.
3. A motor vehicle may be stopped only for a period of time that is reasonable to issue a citation or conduct other legitimate police business.
4. Officers should avoid arrests solely for minor vehicle infractions even if permitted by law when a citation in lieu of arrest is a reasonable alternative.

5. Officers are reminded that they have full discretionary authority in the type of enforcement actions to be taken, subject to the guidelines contained herein. Officers are encouraged to use good judgment, understanding, and compassion in making a decision on the proper enforcement activity.

## B. Types of enforcement actions

### 1. Warnings

Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. In their discretion, officers must recognize that a properly administered warning can be more effective than any other type of enforcement.

### 2. Traffic Citation

A traffic citation shall be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

NOTE: A violator may not be physically arrested but must be issued a citation for the offenses of speeding or violation of the open container law.

### 3. Physical Arrest

- a. In compliance with Transportation Code 543.002, officers shall make a physical arrest and take the violator before a magistrate when the officer believes that the violator
  - i. has committed a felony
  - ii. has failed to stop at the scene of an accident involving property damage or committed any other violation where the punishment is greater than a fine only
  - iii. refuses to give a written promise to appear under TRC 543.005 (Promise to Appear).
- b. If the violator refuses to sign the citation, the officer will write "Refused to Sign" in the signature block and issue the citation to the subject.

## C. Handling special categories of violators

### 1. Juveniles

Juvenile traffic offenders are prosecuted in municipal court. Juveniles over the age of 14 may be issued citations for offenses committed in cars. Juveniles over the age of 10 may be issued citations for offenses on motorcycles, motorized scooters, or ATVs. Officers issuing traffic citations to juvenile offenders shall advise them that a parent or guardian must accompany them when they appear before the court. Juveniles must appear in court with their parents or other responsible adult. No prepayment is allowed.

### 2. Foreign diplomatic or other consular officials



- a. Diplomatic immunity is granted by the United States Government. Generally, immunity may apply to diplomats, members of their families, and employees of diplomatic missions concerning acts performed in the course of their official duties.
  - b. Different levels of immunity exist. The burden is on the diplomat to claim immunity and show the appropriate U.S. State Department-issued credentials.
3. Members of Congress
    - a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.
    - b. If a member of Congress is stopped for a traffic infraction, upon presentation of valid credentials, he or she shall be released immediately. The officer may then obtain a summons for the member of Congress covering the observed violation and make arrangements to serve the summons at a time when the member of Congress is not in transit to or from Congress or on official business.

#### D. Information regarding traffic summons

A citation shall be completed whenever a motorist is to be charged with a motor vehicle violation. Officers shall advise drivers of the following:

1. The court appearance schedule and contact information.
2. Whether the court appearance by the motorist is mandatory
3. Whether the motorist may be allowed to pay the fine before court and enter a guilty plea
4. Answers to the motorist's questions about the summons, being as thorough as possible.

### **IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS**

#### A. Multiple violations

Officers may issue summonses for all appropriate violations. In the event of multiple violations, officers may issue multiple citations for the most serious violations and warn on others if appropriate.

#### B. Newly enacted laws

The law usually does not provide for a grace period when new laws take effect. Officers, though, may use discretion in observing a reasonable grace period before issuing a summons for the following:

1. A violation of a newly enacted traffic law.
2. Speeding violations in an area which the speed limit has been reduced.
3. Expired state license tags or expired state inspection stickers for approximately ten days after their expiration.

### **V. TRAFFIC LAW ENFORCEMENT PRACTICES - General**

Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their duties.

- A. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
- B. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
- C. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
- D. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location.
- E. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind other drivers to comply with traffic laws.
- F. Objectives of traffic stops
  - 1. The two primary objectives of any traffic stop are
    - a. to take proper and appropriate enforcement action; and
    - b. to favorably alter the violator's future driving behavior.
  - 2. Achievement of these objectives requires the officer to evaluate the violator's mental and physical condition when assessing the facts of the violation itself. In achieving these objectives, officers must exhibit flexibility to minimize conflict or argument with the violator.

G. Stopping a Violator / Issuing a Citation

- 1. Rules to be followed in all traffic stops:
  - a. Be alert at all items for the unexpected.
  - b. Be absolutely certain that the observations of the traffic violation were accurate.
  - c. Present a professional image in dress, grooming, language, bearing, and emotional stability.
  - d. Be prepared for the contact by having the necessary equipment and forms immediately available.
- 2. Before making a vehicle stop:
  - a. Maintain a reasonable distance between the violator and the patrol vehicle.
  - b. Locate a safe spot to stop the vehicle.
  - c. Activate the emergency lights and, when necessary, the siren to signal the vehicle to stop.
  - d. Advise the dispatcher of the intention to stop the particular vehicle, and give the following information:
    - i. The location of the stop.
    - ii. The vehicle's license tag number and a description when necessary.

- e. The officer shall position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol vehicle shall be positioned so that it will offer the officer some protection from oncoming traffic. This position shall be two feet outside and to the left of the violator's vehicle.
3. Additionally, when stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officer's safety, perform the following actions.
- a. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before making the actual stop;
  - b. Train the unit's auxiliary lights (spotlight) on the occupant(s) of the vehicle when applicable;
  - c. When necessary use the vehicle's public address system to give instructions to the occupant(s) of the violator's vehicle.
4. Hazards
- a. On multi-lane roadways, the officer shall insure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
  - b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer shall direct him or her to move to a safer location. Officers shall use the public address system to instruct violators to move to a safer location. If the officer's oral directions and gestures are misunderstood, the officer shall quickly leave the patrol vehicle and instruct the violator.
  - c. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop. Once the violator has stopped, to maximize officer safety, use the spotlight, and set the head lights for high beam, and employ emergency bar lights and emergency flashers.
5. Approaching the violator (Left Side Approach)
- a. The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Follow these procedures unless circumstances dictate another reasonable method.
  - b. After properly advising the dispatch of the traffic stop, location, and vehicle license number, the officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
  - c. The officer shall approach from the rear of the violator's car, look into its rear seat, and stop behind the trailing edge of the left front door. On busy roadways, officers should consider the option of approaching the vehicle from the passenger's side (right) for officer safety. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, and at the same time keep all occupants of the vehicle in view.

- d. In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach to the trailing edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
- e. In traffic stops made by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write all notes, and act as an observer and cover for his or her fellow officer.

#### Approaching the violator (Right Side Approach)

- f. The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Follow these procedures unless circumstances dictate another reasonable method.
- g. After properly advising the dispatch of the traffic stop, location, and vehicle license number, the officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
- h. The officer shall approach from the rear of the violator's car on the right side of the vehicle opposite the active traffic lane, look into its rear seat, and stop behind the trailing edge of the right front door. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, and at the same time keep all occupants of the vehicle in view.
- i. In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach to the trailing edge of the right front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
- j. In traffic stops made by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write all notes, and act as an observer and cover for his or her fellow officer.

#### 6. Communicating with the violator

In transacting business with the violator, the officer shall observe the following rules:

- a. Greet the violator courteously with an appropriate title.
- b. Inform the violator what traffic law he or she has violated and the intended enforcement action (do not keep the violator in suspense).
- c. Ask for and accept only the violator's driver license and vehicle registration. If the driver offers money, the officer shall refuse it and advise the driver of the illegality of the offer.
- d. If the driver has no driver's license, obtain another document of identification.

- e. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.
  - f. Complete the forms required for the enforcement action or give an oral warning, if appropriate.
  - g. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
  - h. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.
7. Conducting the transaction
- a. Return the violator's driver's license, registration, and a copy of the citation or warning, if given.
  - b. Release the defendant after he or she signs the summons and receives a copy of the summons.
  - c. Assist the violator in safely re-entering the traffic flow.
  - d. Do not follow the violator.

## **VI. CITATION ACCOUNTABILITY**

### **A. Citation Book Security**

1. Citation issuing information, records, and storage of citations is the responsibility of the municipal court. Citation books are stored by the municipal court.
- 2.

### **B. Citation Accountability**

1. Officers are directly accountable for each citation issued to them. and all missing citations must be accounted for. Failure to be able to account for each citation issue may result in disciplinary action as appropriate.
2. Officers who make errors on citations and chose not to use a citation form will write "VOID" and the reason for the voiding on all copies of the citation, staple all copies and forms together, and turns in the remaining copies to their supervisor at the end of shift with a memorandum requesting to void the citation and the reason for voiding the citation. The supervisor will forward the citation and memorandum to municipal court.
3. Officers who discover errors after citations have been sent to municipal court must prepare a memorandum for Request for Dismissal, or a request that the violations be amended including any pertinent information regarding said changes and send the request through their supervisor to the Chief of Police or designee for approval and forwarding to court.
4. It is permissible for one officer to use a citation out of another officer's assigned book; however, the assigned officer should not loan the entire book to a fellow officer. The assigned officer is still responsible for the citations issued.

### **C. Voided Citations**

Citations marked "Void" will be received by municipal court and entered into a voided document system so that those citations will not show up as missing. Quarterly audits will be necessary to account for missing citations.

## **VII. DWI/DUI ENFORCEMENT PROCEDURES**

### **A. Laws**

It is unlawful for any person to drive or operate any motor vehicle, engine, or train while under the influence of alcohol or while under the influence of any narcotic drug of any nature.

### **B. Responsibilities**

Officers shall be alert for suspected DWI offenders. Officers shall use and document standardized roadside sobriety tests. Officers must carefully document the behavior of the DWI beginning with observations of driving. Once the violator has been stopped, the officer shall note the suspect's appearance, responses to stimuli, speech, admissions of drinking, or drug ingestion.

### **C. Breathalyzer**

1. The security, care, and maintenance of the breathalyzer and all physical evidence obtained from it are every officer's responsibilities.
2. The breathalyzer is located at the RVS station.

### **D. Sobriety tests**

1. Officers shall administer a minimum of three field sobriety tests from the following list, which names the most commonly administered tests.
  - a. Gaze nystagmus (only if properly certified).
  - b. Walk and turn.
  - c. One-leg stand.
  - d. Reciting of alphabet.
  - e. Ten count.
  - f. Nose find.
  - g. Coin lift.
  - h. Officers may employ additional tests, but they must be performed in the same order and manner every time
2. If an officer suspects that the vehicle operator was driving under the influence of both alcohol and drugs, or drugs alone, he may require the operator to have a blood test performed in addition to testing for alcohol. Blood samples shall be analyzed by DPS for evidence of alcohol and for various illegal, prescription, and over-the-counter drugs.
3. The officer shall make a full written report of the circumstances of the DWI arrest, formation of probable cause, and witnesses' observations.

#### E. Arrest

1. The arresting officer shall perform the following:
  - a. Advise the arrestee that any person, whether or not licensed by Texas, who operates a motor vehicle in this state gives implied consent to have a sample of his blood or breath taken for a chemical test to determine the alcoholic content of this blood or for the presence of drugs if such person is arrested for DWI.
  - b. Advise the arrestee that he/she may elect to have either a breath or blood sample taken, when available, but not both unless the officer suspects the presence of drugs. It is not a matter of defense for the driver in court that neither test was available.
  - c. If the arrestee refuses the available test, advise him/her that unreasonable refusal of the test constitutes grounds for the revocation of the driver's license and that a separate charge shall be placed to which he/she will have to answer in court.
  - d. If he/she still refuses, the arrestee shall be advised of the implied- consent statute and penalties by the magistrate. If the arrestee refuses to sign a declaration of refusal, which shall be presented to the arrestee at this point, then the magistrate may sign the form certifying the refusal.

#### F. Blood-test procedure

1. Take the arrested person to a physician, registered professional nurse, graduate laboratory technician, or other technician designated by order of the court who shall withdraw blood for the purpose of determining its alcoholic content and drugs.
2. The arresting officer shall also witness the doctor or technician taking the blood sample and ensure that an alcohol solvent is not used to cleanse the withdrawal location. The officer shall initial the vial labels (on two vials) before the doctor or technician seals the vials in their containers. The initial shall be placed on the label where it does not interfere with the date written by the doctor or technician who took the blood sample.
  - a. The medical person taking the sample shall place his or her name and the name of the accused on the label of each vial with the date and time the blood was taken.
  - b. The arresting officer shall take possession of the two vials and seal them in two containers designed to hold them.
  - c. The arresting officer shall further perform the following:
    - i. Place the name of the arrested person, officer's name, date and time of arrest on each of the containers.
    - ii. Mail one of the containers to the laboratory selected by the accused, if the accused so directs. If the accused does not recommend disposition of the sample at this time, the officer shall keep the sample in the department refrigerator for up to 72 hours.
    - iii. Destroy the container if no such direction is received in writing within 72 hours.

#### G. Breath analysis

1. Chemical analysis of a person's breath shall be performed by anyone possessing a valid license, issued by the Division of Forensic Science. This may include the arresting officer or anyone participating in the arrest. In the event the breathalyzer is inoperable, or a licensed operator is not available, this test is deemed not available.
2. The type of equipment and the methods used to perform breath analysis shall accord with the regulations of the Division of Forensic Science.
3. The testing officer shall issue a certificate of breath alcohol analysis that indicates that the test was conducted per the manufacturers' specifications, the equipment on which the test was conducted has been tested in the last six months and was found to be accurate, the name of the accused, the date, the time the sample was taken from the accused, the alcohol content of the sample, and by whom the sample was examined.

#### H. Accident investigation

If the DWI suspect has been involved in a traffic accident, officers shall also undertake the following:

1. Identify any witnesses who saw the suspect operating a motor vehicle.
2. Question the witness about the suspect's condition, actions, and statements immediately after the accident.
3. Establish a time lapse from the time of the accident to the time of arrest.
4. Question the witnesses and the suspect about what, if anything, the suspect ingested between the time of the accident and the officer's arrival.

### **VIII. SPECIAL TRAFFIC PROBLEMS**

A. Identification and referral of driver recommended for reexamination to the Department of Public Safety (DPS). During routine traffic law enforcement activities, officers frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled, or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement he or she may take, the officer shall notify DMV of these findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief description of the disability noted. A driver deficiency report may be used for this purpose.

#### B. Pedestrian and bicycle safety

The Chief of Police or designee shall review the traffic accident records annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program. The Chief or designee may recommend to officers enforcement measures including steps to:

1. Reduce or eliminate human environmental factors leading to accidents.
2. Reduce or eliminate the behavior, decisions, and events that lead to the accidents.

#### C. Off-road vehicles (including dirt bikes, motorized scooters, and ATVs)



1. Accidents involving off-road vehicles that do not occur on a public highway do not require a traffic accident report. If the responding officer finds it convenient, he or she may complete an accident report and attach it to the offense report.
2. Any officer observing an unlicensed off-road vehicle on the highways that cannot be operated legally on public highways shall order it removed and enforce appropriate laws.
3. Officers shall enforce compliance with vehicle registration laws as they pertain to off-road vehicles.
4. Officers shall enforce laws, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks, or property.


## **IX. ESCORTS**

### **A. General rules**

1. Officers shall not provide emergency or non-emergency escorts for private vehicles. If a medical emergency exists, then an ambulance should be summoned.
2. Officers may provide escorts of vehicles with oversize or hazardous loads. These escort duties shall be conducted under the authorization of the Chief of Police or designee. The Chief or designee shall coordinate the escort with the authority having control over the escorted vehicles. Further, the escort shall take place only per a written plan approved by the Chief.
3. Officers may provide funeral escorts with marked vehicles. The escort duty shall be conducted under the authorization of the on-duty supervisor only. Further, the escort shall take place per an articulated plan approved by the on-duty supervisor.

### **B. Funeral escorts**

1. Before conducting a funeral escort, officers shall confer with the funeral home director to:
  - a. Plan the route to be taken to account for the most direct method, expected traffic density and anticipated obstacles.
  - b. Determine the circumstances of the escort to include which traffic lanes to use, speed of travel to the destination, and how to handle adverse weather.
2. Officers shall not lead funeral processions into an intersection on a red light. Once the procession has entered an intersection on a green light, the escorting officer shall take reasonable measures to allow the entire procession to continue even though the light changes.
3. No escorts shall be provided if the body of the deceased is not in the procession.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.31 Accident Investigations</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP: 7.16	

**I. POLICY**

An objective of the department is the reduction of motor vehicle accidents. To accomplish this, the department performs a variety of functions such as providing emergency service to the injured, protecting the accident scene, conducting accident investigations and follow-ups, preparing reports, and taking proper enforcement action.

The purposes of accident investigation are to determine the cause of an automobile crash and to use the information to develop enforcement that will reduce accidents. Accident reports are used by the Department of Public Safety and the Department of Transportation at the state level, and by the City of Socorro locally to study the frequency of crashes at a given location and time, the causes of accidents, and the road conditions that existed when the accident occurred. The reports are also used to develop selective enforcement programs, to provide engineering studies, and to promote street and highway safety.

**II. PURPOSE**

The purpose of this policy is to establish guidelines for the proper handling of traffic accidents and for the collection and use of data that will reduce automobile accidents resulting in property damage, injury, and death.

**III. PROCEDURES – General**

A. Accident report and investigation, general

1. Texas Transportation Code requirements concerning the reporting of traffic accidents include the following:
  - a. TTC 550.026. The driver of any vehicle involved in an accident resulting in death or injury shall immediately notify law enforcement officials.
  - b. TTC 550.062. A law enforcement officer investigating an accident resulting in injury or death or total property damage to an apparent amount of \$1,000 or more shall make a written report of it to DPS.
  - c. TTC 550.062. Officers who investigate an accident for which a report must be made, either at the time of and at the scene of the accident, or thereafter and

elsewhere, by interviewing participants or witnesses, shall within 10 days after completing the investigation forward a written report of the accident.

2. An officer shall respond to and prepare a report of an accident involving any of the following:
  - a. Death or injury.
  - b. Property damage in excess of \$1,000.
  - c. Hit and run.
  - d. Impairment due to alcohol and/or drugs.
  - e. Hazardous materials.
  - f. Involvement of any city/county property, vehicles, equipment, facilities, or personnel.
  - g. Failure of either driver to produce a driver's license and proof of liability insurance.
3. Officers shall also be assigned to respond to the following:
  - a. Any accident involving disturbances between drivers or passengers.
  - b. Ones that create major traffic congestion.
  - c. Those in which vehicles are damaged to the extent that towing is required.
  - d. Patrol vehicles may be assigned to any other accident, not listed above, to assist persons involved with information exchange.
  - e. Time permitting, officers may investigate and report on accidents as supervisors direct.

#### B. Responding to the accident scene

1. Officers shall respond to the scene of a minor accident code one unless the dispatcher or supervisor directs otherwise.
2. Officers shall respond code three to major accidents where there exist injuries or major road or highway blockages, or where information provided indicates the immediate need for an officer on scene.
3. The officers responding shall park their vehicles in a manner that will protect victims and the accident scene while still leaving room for emergency service vehicles.

#### C. Accident scene responsibilities

1. The first officer to arrive at an accident scene shall perform the following:
  - a. Administer any needed emergency medical care (basic life support measures) pending arrival of rescue personnel.
  - b. Summon additional help as required (officers, EMS, fire department, wreckers).
  - c. Protect the accident scene.
  - d. Preserve short-lived evidence (broken parts, skid marks).
  - e. Establish a safe traffic pattern around the scene.
  - f. Locate witnesses.
  - g. Record key accident information.
  - h. Expedite removal of vehicles, persons, and debris from the roadway except for fatal accidents, in which case the scene is not to be disturbed.
2. The officer assigned to an accident shall have the responsibility and authority to request assistance from any other officers as needed. He or she becomes the primary investigating

- officer in charge at the scene unless the supervisor determines that it is appropriate to assign these responsibilities to another officer.
3. Accident reports need not be filled out if the accident occurred on private property and the damage does not exceed \$1,000 unless the supervisor specifically asks for a report.
  4. In case of extremely inclement weather where an accident involves only property damage, the dispatcher or officer may, with the supervisor's approval, perform the following:
    - a. Obtain information over the phone to complete the accident report and request that the involved drivers come to the department and file a report in person within 48 hours of the incident.
    - b. Complete a report showing the name, address, operator license number, and telephone number of each driver.

#### **IV. PROCEDURES - Accident scene**

##### **A. Collecting information**

1. At the scene of the accident, the investigating officer shall gather appropriate information for a report. Information to be collected at the scene may include, but is not limited to, the following:
  - a. Interview principals and witnesses and secure necessary identity/address/contact information.
  - b. Examine and record vehicle damage.
  - c. Examine and record the effects of the accident on the roadway or off the roadway on private or public property.
  - d. Take measurements as appropriate.
  - e. Take photographs as appropriate.
  - f. Collect and process evidence.
  - g. Make sure that the principals exchange information, such as insurance carriers, names, and phone numbers.

##### **B. Follow-up activities**

1. Follow-up activities that may be necessary include the following:
  - a. Obtain and record formal statements from witnesses.
  - b. Reconstruct the accident.
  - c. Submit evidentiary materials for laboratory examination.
  - d. Prepare accident or offense reports to support charges arising from the accident.
2. In a particularly serious accident involving severe injuries, fatalities, or multiple vehicles, it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, accident-crash team specialists, or other specialists. Expert assistance shall be requested through a supervisor.
3. At the accident scene, the officer may take immediate enforcement action and issue a citation for observed violations or violations witnessed and supported by the investigative process. In death cases, the district attorney may decide the appropriate charge.

4. If the investigating officer concludes that the accident was caused by a person driving under the influence of intoxicants (DWI) and the defendant is still at the scene, the DWI arrest shall be made before transport.
5. If the driver is transported to the hospital before the officer arrives and if the officer later concludes that the driver was intoxicated, an arrest warrant shall be obtained. If the driver is hospitalized, the warrant will be served when the driver is released.
6. In other traffic-related investigations, when the officer leaves the scene of the offense and later identifies an offender or offense, arrest warrants may be obtained. The citation can be issued at the hospital after the accident scene has been processed.

### C. Accident scene procedures

1. Upon notification of an accident, the officer assigned shall proceed promptly to the scene. If injuries have been reported, every effort should be made to avoid delay.
2. The patrol vehicle shall not be parked at the scene in a manner that will endanger the officer, pedestrians or motorists. The officer shall consider using the vehicle as a shield to protect the scene, those involved in the accident, and others working the scene, including the officer.
3. The officer shall leave the vehicle emergency lights on.
4. At all times when investigating an accident on the streets or highways, the officer shall wear a reflector safety vest.
5. Officers shall use flares (available in each patrol vehicle) to create an illuminated warning pattern to alert other drivers. Note that flares may be dangerous at accidents where hazardous materials are present.
6. In case of fire danger from leaking or ruptured gas tanks or where the accident may involve hazardous materials, the on-scene officer shall summon the fire department.
  - a. All patrol vehicles are equipped with a copy of the current emergency response guidebook to aid in identifying vehicles carrying hazardous materials. The guidebook illustrates hazardous materials placards and identifies and describes the relevant hazard, appropriate emergency procedures, and evacuation procedures.
  - b. Any officer arriving at the scene of such an accident who sees hazardous materials placards shall immediately summon the fire department. The fire chief will assume control of any scene involving hazardous materials and all officers shall provide support as required. The investigation of the accident shall begin after approval by the fire chief.
7. Any property belonging to accident victims shall be protected from theft and, if owners are not present, it shall be taken into custody, tagged, and held for safekeeping until it is claimed by the owner.
8. City code requires any person clearing a wrecked or damaged vehicle from a highway to remove any glass or other injurious substances dropped upon the highway. Where the quantity of accident debris is too great for the wrecker operator to do this, the City of Socorro public works services shall be requested. The fire department shall assist in washing down combustible substances.
9. If either driver is not present at the accident scene, do not assume that it is a hit/run unless further inquiry indicates the possibility. Perform the following actions if the incident appears to be a hit/run.


- a. As soon as practicable, transmit the description of the vehicle and driver to dispatch, along with the direction of travel and time elapsed since the incident.
- b. Process the accident scene as a crime scene.

#### D. Accident report

1. A report shall be filed on all accidents that occur on public property, or publicly accessed private property within the City of Socorro if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1,000, or involvement of government-operated vehicles).
  - a. Public property is any highway, roadway, street, or public parking lot maintained by the state, county, or city.
  - b. Publicly accessed private property is a private access way or parking area provided for a client of a business, but not residential property or private parking where a fee is charged for parking.
2. In the event of an accident that occurs on private property, an accident report may be filed if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1000, or involvement of government-operated vehicles).
3. Accidents that do not meet reporting requirements may still be reported by the vehicle operators using the "Texas Blue Form."

#### E. Disabled vehicles

1. Officers shall not push or tow any vehicle with a patrol vehicle unless the patrol vehicle is equipped with a department-approved push bar and the officer has been trained in its use.
2. Owing to the risk to radio and emergency equipment, officers shall not connect jumper cables to a patrol vehicle to start a person's vehicle. Officers should summon a wrecker if a jump-start is required.
3. Officers shall direct motorists who are low on gas to the nearest station. If a vehicle is completely out of gas and no station in town is open, summon a wrecker on behalf of the motorist.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.40 Investigations</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b> TBP: 7.04, 7.05, 7.09 and 7.10	

## I. POLICY

The primary purpose of an investigation is to collect facts leading to the identification and arrest of an offender and to organize and present the facts so that the result is a successful prosecution. The single most important criterion determining a successful investigation is the correct obtaining and handling of information supplied by an investigation of the crime scene, and from the victim(s) or witness(es) immediately after the crime.

The department expects officers to treat investigating as a skill developed through training and experience, a skill that demands intelligence, logic, and discipline.

Not every preliminary investigation will result in the identification of a suspect, an arrest, or the recovery of property. Solving a crime is most often a result of careful analysis of the physical evidence left at the scene or information provided by victims and witnesses. Follow up investigations are often necessary.

Because resources are limited, the department must prioritize their use. The department will investigate those crimes that are the most serious in nature and those that have the highest likelihood of solution.

## II. PURPOSE

The purpose of this policy is to establish guidelines for the general conduct of preliminary and follow-up investigations.

## III. PROCEDURES: PRELIMINARY INVESTIGATIONS

### A. General

The preliminary investigation begins when the first officer arrives at the scene of a crime or when a citizen requests help, and it continues until a specialized investigator arrives and assumes responsibility. Patrol officers are responsible for the preliminary offense report in all cases except those specifically directed by a supervisor.

### B. Caution

Officers who first arrive at a possible crime scene must take care not to enter hastily. The crime scene may pose a threat to the officer: an armed suspect may still be at the scene, toxic chemicals or infectious materials may be present, or evidence may be destroyed if the officer enters. When practicable, officers shall first note the total environment of the scene including, for example, whether doors and windows are open or closed, lights on or off, presence of odors, and the condition and circumstances of the victim.

- C. After forming an impression of the entire scene and ensuring that no threat exists, the officer shall proceed with the preliminary investigation, which consists of, but is not limited to, the following activities:
1. Providing aid to the injured.
  2. Defining the boundaries of and protecting the crime scene to ensure that evidence is not lost or contaminated. It should be cordoned with tape or rope. Any alterations to the crime scene should be recorded. Alterations might be caused by emergency assistance activity, the immediate necessity to handle evidence or assist victims, or the actions of witnesses or suspects at the scene.
  3. Determining if an offense has actually been committed and, if so, the exact nature of the offense.
  4. Determining the identity of the suspect or suspects and making an arrest if it can be accomplished either at the scene or through immediate pursuit.
  5. Furnishing other officers with information concerning wanted suspects or vehicles including descriptions, method, and direction of flight or any other relevant information.
  6. Determining the identity of all witnesses.
  7. Collecting evidence. Patrol will collect physical evidence to the limit of their ability and training. If the collection of evidence is beyond the capabilities or training of the officer, or is evidence in a serious crime, the patrol officer shall contact appropriate crime scene investigation officers.
  8. Obtaining written statements from the victim, witnesses, and suspects.
  9. Arranging for follow-up surveillance of the crime scene, if appropriate.
  10. Accurately and completely recording all pertinent information on the prescribed report forms.

D. Follow-up

While the initial stages of all preliminary investigations shall be conducted by patrol officers, assuming they are the first responders, they will also conduct follow-up investigations in most misdemeanor crimes.

In certain serious crimes, as defined in Section IV below, investigators shall assume responsibility for completion of the investigation.

E. Supervisory responsibilities

1. The on-duty supervisor shall ensure that an adequate and complete preliminary investigation has been made, and shall review, screen, and approve the officer's preliminary report.



Screening shall include a review of facts to ensure that all essential information is included and that the report is legible, clear, and complete. After the supervisor has reviewed, screened, and approved the report he/she will sign it.

2. Supervisors shall limit access to crime scenes to those persons immediately and directly connected with the investigation. Exceptions to this rule will not be made for other officers of the department, persons from other agencies, or members of the community, regardless of rank or position.
3. The supervisor shall authorize the call-out of a trained evidence technician or detective, if appropriate.
4. The supervisor may enlarge the preliminary crime scene if necessary by assigning officers to canvass the area for possible witnesses or suspects.

#### **IV. ASSIGNMENT OF FOLLOW-UP INVESTIGATIONS**

- A. All felony offenses, all sex crimes, all crimes involving juveniles as victims, and all domestic violence and hate crimes shall be followed up by an investigator. Officers who conduct preliminary investigations of these offenses shall contact an investigator as soon as practicable. The initial responding officer is responsible for completing the original offense report with all details of the preliminary investigation included in the report. If the investigator is unable to respond to the scene, the report will be forwarded to the investigator at the end of shift.
- B. All other offenses will be investigated by the responding officer unless otherwise directed by the on-duty supervisor. Responding officers who believe they cannot conduct a follow-up investigation (either because of lack of expertise, shift assignment, or any other reason) will contact their supervisor for direction.
- C. The supervisor and the investigations supervisor shall confer to determine follow-up responsibility.

#### **V. PROCEDURES: FOLLOW-UP INVESTIGATIONS**

- A. Occasionally, additional investigation will be required at the end of the tour of duty of the assigned officer. In these cases, the on-duty supervisor shall determine whether the investigation should be (1) discontinued until the assigned officer's next tour of duty, (2) assigned to the next available officer or to an investigator, or (3) overtime should be authorized.
- B. Except where the investigation might be jeopardized by its temporary discontinuance, the original assigned officer shall handle the case.
- C. A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion that he/she works on it. A supplement recording the investigating officer's activity, the information developed, and case status shall be prepared at least every ten days and forwarded to the investigations supervisor. The officer or investigator shall maintain a case file to include the supplemental report.

- D. Officers and investigators conducting follow-up investigations shall continue the investigation of each criminal offense until it is brought to a conclusion or until there are no additional workable leads that would likely result in the identification of a suspect or recovery of property.
- E. If the officer's time is limited, follow-up of cases will be prioritized by seriousness of the crime and likelihood of identifying a suspect. Officers and investigators shall consult with their supervisors for additional assistance if cases with workable leads are not completed because of a shortage of personnel.
- F. Victims will be kept informed of the status of the case periodically and when the case is closed or suspended.
- G. Supervisors, both patrol and investigative, shall maintain a log of cases being worked by officers under their command. This log will be updated regularly when 10-day status supplements are received or when the case is closed or suspended. Officers, investigators, and supervisors will keep the Chief of Police informed of the status of significant criminal cases.
- H. A follow-up investigation consists of, but is not limited to, the following activities:
1. For most non-criminal cases:
    - a. Interviewing complainants and witnesses.
    - b. Locating missing persons.
    - c. Determining if information or suspicious activity relates to criminal activity.
    - d. Distributing information to the proper persons or agencies.
    - e. Locating lost property and returning same to the owner.
    - f. Investigating deaths, overdoses, suicides, and injuries to determine if a crime was committed.
    - g. Making necessary notifications or conducting necessary inspections.
    - h. Recording information.
  2. For most criminal cases:
    - a. Reviewing and analyzing reports of preliminary investigations.
    - b. Recording information.
    - c. Reviewing departmental records for investigative leads.
    - d. Seeking additional information from other officers, informants, contacts in the community, and other investigators/agencies or any other likely source.
    - e. Interviewing victims and witnesses.
    - f. Interrogating suspects.
    - g. Monitoring social media sites of potential suspects, victims, and witnesses for information related to the case.
    - h. Monitoring posted comments to on-line news stories about an offense.
    - i. Arranging for the dissemination of information as appropriate.
    - j. Planning, organizing, and conducting searches.
    - k. Collecting physical evidence.
    - l. Recovering stolen property.
    - m. Arranging for the analysis and evaluation of evidence.
    - n. Reviewing results from laboratory examinations.

- o. Identifying and apprehending the offender.
- p. Checking the suspect's criminal history.
- q. Consulting with the district attorney in preparing cases for court presentation and assisting in the prosecution.
- r. Notifying victims and witnesses when their presence is required in court.
- s. Testifying in court.
- t. Arranging for polygraph examinations, if necessary.

## **VI. REPORT WRITING**

### **A. Field notes.**

All formal reports begin with field notes. Field notes are important for the following reasons:

1. To create a permanent record of events.
2. To aid the investigation.
3. To ensure accurate testimony in court.
4. To protect the officer from false accusations.

### **B. Formal reports shall include the following information:**

1. Date and time of arrival at the scene.
2. Relevant weather or situational conditions at the scene upon arrival (e.g., a fire, crowd).
3. Circumstances of how the crime was discovered and reported.
4. Identity of other officers or emergency personnel at the scene.
5. Physical evidence present at the scene and the officers responsible for its collection.
6. Names, addresses, telephone numbers of victims or witnesses.
7. Results of interviews with the complainant, victim, or witnesses to include the identity or description of suspects.
8. Diagrams, sketches, photographs, or videotape taken at the scene, and the identity of the photographer or artist.
9. Recommendations for further investigation.

## **VII. SOURCES OF INFORMATION**

### **A. Informants**

Information is available from many sources, e.g., members of the community who wish to remain anonymous, criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in crime. These sources shall be kept in mind when conducting investigations and interviews. Officers are cautioned to determine the motivation of people who provide information in order to evaluate it. For guidance on handling informants, consult Policy 7.43.

### **B. Interviews and interrogation**

1. Field interviews

Field interviews are a productive tool and source of information for the department. They shall be used only in the pursuit of legitimate enforcement goals. When used properly they can discourage criminal activity, identify suspects, and add intelligence information to the files of known criminals.

## 2. Victim/witness interviews

- a. Officers must recognize the trauma/stress to which the victim or a witness has been subjected and shall conduct the interview in such a manner as to reduce stress.
- b. The age, physical limitations, and credibility of witnesses shall also be considered when evaluating their information.

## C. Interrogation of suspects

### 1. Custodial statements and confessions.

- a. Miranda warnings are required and shall be administered prior to any custodial interrogation. Officers shall be familiar with the requirements in article 38.22 of the CCP.
- b. The following represent examples of situations that are not custodial and do not require issuance of Miranda warnings.
  - i. Investigatory stop and frisk or consensual encounters
  - ii. Questioning during a routine traffic stop (or detention) or for a minor violation, which includes driving while intoxicated (DWI) stops until a custodial interrogation begins. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
  - iii. During voluntary appearances at the police facility.
  - iv. When information or statements are made spontaneously, voluntarily, and without prompting by police. (Note: follow-up questions that exceed simple requests for clarification of initial statements may require Miranda warnings.)

### 2. Administering Miranda.

- a. Miranda warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation.
- b. Freelancing, recitation from memory, or paraphrasing the Miranda warnings is prohibited because it precludes officers from testifying in court as to the precise wording used.
- c. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be interrogated only when they have knowingly and intelligently waived their rights. Threats, false promises, or coercion to induce suspect statements is prohibited.
- d. The waiver of one or both of the Miranda rights must be performed affirmatively. Oral waivers are often sufficient but written waivers, particularly in felony

charges, are preferred and should be obtained whenever possible on the appropriate agency form.

- e. Officers arresting deaf suspects shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.
  - f. Officers arresting suspects who they believe may have limited English proficiency shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.
3. Invoking the Right to Silence
- a. When a suspect invokes his/her right to remain silent, all interrogation shall terminate immediately.
  - b. Officers may interrogate a suspect who has previously invoked his right to silence if, after the passage of time, the suspect initiates communication with officers or fourteen (14) days have passed. However, prior to questioning Miranda warnings shall be re-administered and a waiver obtained.
4. Invoking the Right to Counsel
- a. If a suspect waives his/her right to counsel, a written waiver shall be obtained prior to questioning. If a suspect makes reference to counsel but his/her intentions are unclear, officers may question the suspect further to clarify his/her intentions. When a suspect invokes his/her right to counsel, all interrogation shall cease immediately.
  - b. The suspect may not again be interrogated about the crime for which he/she is charged, other crimes, or by other officers (from this or other agencies) unless (1) the suspect's attorney is present at the questioning; (2) there has been a break in custody of more than 14 days and the individual is re-advised of his Miranda rights and indicates he/she is waiving his right to counsel (written waiver), or (3) the suspect initiates new contact with the police. In this later case, Miranda rights must again be administered and a waiver obtained before any questioning may take place. Officers shall also document and, if possible, obtain written verification that the suspect initiated the communication.
  - c. Officers shall cooperate in any reasonable way with efforts by counsel to contact or meet with suspects in custody.
5. Other Interrogation Requirements
- a. Parents or guardians shall be notified whenever a juvenile is interrogated, taken into custody, or charged. Officers will take care when advising juveniles of their rights to ensure that the rights are understood before obtaining a waiver. Officers should honor a child's request to speak to a parent or guardian before waiving his or her rights. Whenever possible, the child's parents should be present while the child's rights are explained and the waiver obtained
  - b. The number of officers engaged in the interrogation shall be kept to a minimum.
  - c. The interrogation shall be as short as practicable.

#### D. Recording of Statements and Confessions

1. The circumstances surrounding the conduct of interrogations and recording of confessions shall be fully documented. This includes but is not necessarily limited to;
  - a. location, date, time of day, and duration of interrogation;
  - b. the identities of officers or others present;
  - c. Miranda warnings given, suspect responses, and waivers provided, if any; and
  - d. the nature and duration of breaks in questioning provided to the suspect for food, drink, use of lavatories or for other purposes.
2. Officers shall electronically record custodial interrogations conducted in a place of detention involving major crimes as defined by this department. Officers are not required to record noncustodial interviews with suspects, witnesses, or victims during the initial interview phase of an investigation but may do so where deemed necessary, in accordance with law and departmental policy.
3. Electronic recording of juveniles shall be conducted if at the time the crime was committed the juvenile suspect could be charged with a major crime as an adult.
4. If electronic recordings cannot be conducted due to equipment failure, lack of suspect cooperation, or for any other reason deemed pertinent to successful interrogation by the case manager, the basis for such occurrences shall be documented. This includes but is not limited to spontaneous declarations or other statements not elicited by police questioning.
5. Transporting officers need not refrain from questioning a suspect who has indicated a willingness to talk either at the scene or en route to the place of detention. However, officers shall not purposefully engage in custodial interrogations involving major crimes as defined by this policy in order to avoid this department's requirement for electronic recording.
6. Recording Protocol
  - a. Suspects do not have to be informed that they are being recorded unless required by law.
  - b. The office of the prosecutor, the investigative case manager, or other authorized department official may direct that specific interrogations be recorded although they do not meet the criteria of major crimes as defined by departmental policy.
  - c. The primary interrogator shall, where possible, obtain a signed waiver from the suspect before beginning interrogation. If the suspect elects not to be recorded or refuses to engage in the interrogation, the suspect's rejection shall be recorded.
  - d. Interrogations and confessions shall be recorded in their entirety, starting with the interrogator's entrance into the interview room and concluding with the departure of the interrogator and suspect.
  - e. When commencing the recording, the primary interrogator shall ensure that voice identification is made of officers, suspect, and any others present, and that the date, time, and location of the interrogation is verbally recorded.
  - f. When beginning a new recording, the interviewer shall announce the date and time that the interrogation is being resumed.
  - g. An authorized member of the department shall be assigned to monitor recording time to ensure the recording does not run out.
  - h. Each recording shall include the following:
    - i. Declaration of the time the recording began.
    - ii. Declaration of the start of the interrogation.

- iii. Concurrence by the suspect that the interrogation has begun.
- iv. Administration of Miranda warnings, even if the recording is a follow up to a prior interview or the suspect has been previously Mirandized.
- v. Notation of the time the interrogation ends.
- vi. Any lapse in the recording for comfort breaks or other reasons shall be accounted for on the recording. As an alternative, during a short recess, the recording may continue without interruption.
- vii. Recording attorney-client conversations is prohibited.
- viii. At the conclusion of the interrogations, the interrogator shall state that the interrogation is concluded and note the date of time or termination.
- ix. The recording shall continue until all parties have left the interrogation room.
- i. Recordings of interviews are considered evidence and shall be handled as such. In addition, the following shall apply:
  - i. Unused recording media shall always be used for interrogations.
  - ii. Both the original and copies of all recording media shall be protected from re-recording.
  - iii. Only one interrogation shall be recorded on each recording tape, disk, or other material used in recording.
  - iv. Before submitting the original recording to a secure evidence storage area a copy of the recording shall be made. Copies shall be maintained in the investigative unit.
  - v. The identifying information items supplied on the recording label shall be completed and the recording marked either as an original or a copy.
  - vi. The reporting detective's follow-up report shall note if and how the interview was recorded.
  - vii. All recordings shall be governed by this department's policy and procedures for the handling and preservation of evidence.

E. Collection, preservation, and use of physical evidence

- 1. Physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.
- 2. All officers are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their charge.

**VIII. CONSTITUTIONAL REQUIREMENTS: GENERAL**

- A. Officers conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional protections. Officers shall ensure that:
  - 1. All statements, including confessions, are voluntary and non-coercive.
  - 2. All persons are advised of their rights in accordance with this general order.
  - 3. All arrested persons are taken promptly before a magistrate for formal charging.

4. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney.
5. Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial.

## **IX. RELATIONSHIP WITH DISTRICT ATTORNEY**

- A. All personnel shall respond to requests for appointments from the District Attorney Office, be on time, and be ready to discuss the subject at hand.
- B. In every contested case, misdemeanor or felony, the officer involved shall make an appointment with the district attorney or his/ her assistant to discuss the case before trial.
- C. During any investigation (or during planning for arrest or in pretrial stages), any questions of law or criminal procedure shall be addressed to the district attorney. Questions on law enforcement procedures shall be addressed to the Chief of Police.
- D. The district attorney may advise the Chief of Police of any cases where a decision was made not to prosecute or where the case was dismissed because of mishandling or error by an officer.

## **X. DISPOSITION OF CASES**


- A. The officer or investigator shall maintain files of all cases assigned to him/ her. All case files shall be appropriately labeled with the date of incident, the name of victim, and/or the name of any suspect or arrested person. Investigators shall be aware of the requirement under state discovery laws in article 39.14 of the CCP that mandate virtually all writings and other items generated by the police during an investigation are subject to disclosure to the defense.

The file shall contain the following:

1. Original incident report and any supplementary reports or statements.
  2. Photographs.
  3. Lab reports,
  4. Reports of disposition of any property pertinent to the case, such that which was stolen, confiscated, recovered, or otherwise dealt with.
  5. Arrest reports
  6. Investigative notes
  7. All electronic and recorded communications – including but not limited to email, text, instant messages, and voice mail.
  8. All other items developed, documented or seized during the investigation.
- B. When the investigation is complete, the investigator shall close the case under one of the labels listed below. A statement that explains the reasoning for the label shall be included in the file.
    1. Cleared. An arrest has been made in this case.



2. Exceptional Clearance. The identity and address or exact location of the culprit is known and sufficient evidence to obtain a warrant exists. However, due to some reason outside the control of the police, no arrest will be made. Examples: Complainant will not prosecute; district attorney will not prosecute; perpetrator is dead; subject arrested by another jurisdiction and no charges will be placed by the department.
  3. False Report. The reporting party lied in order to mislead the police concerning the incident.  
Unfounded. The offense did not actually occur in the first place, although at the time of the original report it was believed to have occurred. If the investigation has exhausted all leads, yet the possibility remains that new facts may come to light given future inquiry, the case shall remain open.  
NOTE: Do not confuse “unfounded” and “false report.” It is a violation of the law to deliberately make a false report. An unfounded report is made in the belief that the offense actually occurred, but, in fact, it did not.
  4. Suspended. All leads have been exhausted. No further investigation is possible or practical until new leads develop.
- C. The officer’s or investigator’s supervisor shall approve the case closure in a manner consistent with current police reporting processes.
- D. When a case is closed, the case file is forwarded to the records custodian for filing.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.41 Crime Scene Processing</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP: 12.02	

**I. POLICY**

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories often provide the key to a successful investigation and prosecution. Through evidence located at the scene, a list of suspects might be developed or suspects may be eliminated. Investigative leads can be established, and theories concerning the crime are substantiated or disproved. It is imperative, therefore, that each officer carefully process a crime scene, being sure not to overlook or contaminate or destroy evidence. Physical evidence appears in many shapes, sizes, and forms, thereby necessitating various recovery, preservation, and submission techniques. The investigating officer shall be prepared to collect, identify, and package the evidence so that it will not be changed in form and value when it reaches the laboratory. The officer collecting the evidence shall maintain a chain of custody of that evidence in order to ensure that it is presented to the court professionally and in compliance with the law.

**II. PURPOSE**

The purpose of this policy is to establish responsibilities for officers who are investigating crime scenes and to establish guidelines for the proper documentation, collection, packaging, and submission of physical evidence to the forensic laboratory.

**III. DEFINITIONS**

- A. Chain of custody: The chain of custody is the series of documented links between the time the evidence was obtained and the time it is presented in court. The links are documented by officers who handle the evidence, showing where and when they did so.
- B. Exclusionary rule: A rule of law that states that evidence seized or discovered in violation of the suspect's fourth, fifth, and sixth amendment rights cannot be admitted in court.
- C. Evidence: Any substance or material found or recovered in connection with a criminal investigation.
- D. Evidence custodian: The employee designated by the Chief of Police to have administrative oversight of all found or confiscated property that comes into departmental possession.

**IV. PROCEDURES. General crime scene processing**

- A. Depending on the nature of the crime and the type of evidence present, patrol officers will normally collect and submit physical evidence to the extent they have been trained and have the equipment to do so. Normally patrol officers will collect and submit evidence on misdemeanor offenses and some felony offenses where document or video evidence is the only physical evidence present.
- B. The department has a number of detectives trained and equipped to collect physical evidence. Patrol officers will contact dispatch and request a crime scene officer when the offense is a felony, any sex crime, child abuse, or where photographs are needed, or where the evidence present is beyond the capabilities of the officer's training or equipment.
- C. The officer/investigator who is called to a crime scene shall make a determination of the equipment needed for processing. The department maintains a complete evidence-collection kit to include a camera, film, sketching equipment, fingerprint recovery tools, blood recovery materials, tweezers, scissors, boxes, bags, envelopes, tape, marking tools, evidence tags, and materials for lifting impressions (footprints or tire tracks, for example).
- D. The property and evidence form shall be used to document all property and evidence coming into custody of the department.
- E. Officers and investigators shall use the following general order of processing a crime scene unless reason dictates otherwise.
  - 1. Before moving objects or collecting evidence at major crime scenes (except when it is necessary to help a victim, apply first aid, or handle a suspect), officers will photograph the scene. Photographs should start at the edge of the property and progress into the scene as needed to show the scene and its relationship to the evidence present. Close-up photographs of each piece of evidence will be taken with and without a measuring device in the picture.
  - 2. At major crime scenes, officers will also prepare a sketch of the scene. Sketches of any crime scene will be done if it will show relationships or locations of where evidence is collected.
  - 3. Before collecting any item of evidence, measurements using triangulation or the coordinate method should be taken and recorded.
  - 4. Perishable evidence should be collected first. Perishable evidence -- such as fresh blood, blood-stained objects, physiological stains and tissue or biological material -- shall be collected only by a trained evidence technician who shall arrange to submit the material to a lab.
  - 5. If the immediate destruction of evidence is not a concern, the investigating officer should work through the scene systematically, collecting in a logical sequence and trying to avoid disrupting other items of evidence.
  - 6. The officer should collect comparison samples, since the forensic laboratory can only compare known items with those showing similar characteristics. Sufficient specimens or controls must be submitted for comparisons of such items as hairs, fibers, paint, glass, soil, and tool marks.
  - 7. Once perishable and other evidence has been collected, fingerprints shall be identified and lifted where possible. If transporting evidence may damage or destroy the latent prints on an object, the evidence shall be processed for prints at the scene.
  - 8. Taking overall measurements -- that is wall, room, and building measurements -- is one of the last operations to be performed in processing the crime scene. The overall

measurements are vital for the production of the final crime-scene sketch but must be obtained last so as not to damage or destroy items of evidence.

9. One or more officers should conduct a final organized search in case evidence has been overlooked. If possible, the final search should be conducted by officers who have not participated in processing the scene.
10. The officer processing the crime scene shall enter each item collected on the evidence recovery log. The following information that should be recorded for each item:
  - a. A complete description of the item (including make, model, and serial numbers, if any);
  - b. The source (from whom and/or the location from which the item was obtained);
  - c. The name of the person collecting the item.
11. The officer/investigator processing a crime/incident scene shall prepare a report giving an accurate account of events. This information shall be placed in a supplement to the offense/incident report.
12. All evidence shall be properly and prominently tagged or otherwise identified.
13. The recovering officer shall complete a chain-of-custody form for the property custodian.
14. Officers shall observe legal principles regarding the use of physical evidence. Officers shall rigorously maintain the chain of custody of all evidence and shall always remain mindful of constitutional safeguards. If officers are not scrupulous in observing these safeguards, the exclusionary rule may prohibit key evidence from being introduced at trial and the case may be lost or dismissed.

## **V. PROCEDURES. Evidence and property control**

### **A. Collection of evidence**

1. When collecting evidence, the officer shall use tongs or tweezers where possible. The officer shall avoid touching the evidence with his hands or anything that might contaminate the item.
2. Officers shall wear latex gloves while processing any crime scene. When collecting tissue or bodily fluid evidence, officers shall put on a new set of gloves after collecting each separate evidentiary item and discard the used gloves.
3. In collecting evidence, officers shall remain mindful about the possibility of contagion if the crime scene contains body fluids. Further, some evidence may consist of hazardous chemicals, waste products, explosives, or highly combustible materials. The evidence custodian in consultation with an evidence technician shall decide the best disposition of such items.
4. The investigating officer should not unload a firearm at the crime scene. The evidence technician shall unload the weapon after he/she has examined the weapon in the exact condition it was found in.

### **B. Tagging evidence**

1. Officers will tag evidence in a manner consistent with their training and by following the guidance and recommendations of local prosecutorial staff.
2. Officers will document the items recovered at a crime scene both in the property section and the narrative section of the offense report.
3. Officers tagging evidence will use the current system established by the police department for the chain of custody and the actual evidence description.

4. Officers and other police personnel collecting and tagging evidence are expected to be able to readily testify in court regarding their exact involvement in the collection, tagging, and submission of all evidence seized.

C. Packaging items of evidence

1. The officer who collects the evidence shall choose a container suitable for the type of evidence being packaged, and each piece of evidence should have its own container.
2. The exterior of the package should be labeled before the evidence is placed inside.
3. The officer should select a container that is appropriate for the size and weight of the item. He/she should give special consideration to moist or wet items, which could rot, rust, or otherwise deteriorate if packaged in plastic or an airtight container for an extended time.
4. The item should be packed in such a way as to minimize movement inside the container.

D. Special circumstances

1. Weapons

- a. No officer shall, under any circumstances, personally retain custody of any found or confiscated weapon.
  - b. Officers bringing weapons into custody shall inspect them to ensure their safe storage. All firearms shall be unloaded before storage. (If the firearm is evidence, only the evidence technician is allowed to unload it. See V, A, IV above.)
  - c. The recovering officer or investigator shall check all confiscated or found weapons against NCIC/TCIC files.
2. Drugs and narcotics. See Policy 12.1.
3. Alcohol. NOTE: The only alcoholic beverages that are considered contraband are those seized from underage persons whose possession is, in itself, illegal.
- a. All containers of alcoholic beverages shall be sealed or contained to avoid any chance of leakage.
  - b. If not destroyed at the scene on video, the contraband alcoholic beverages shall be destroyed upon conclusion of legal proceedings.
  - c. Alcoholic beverages seized or recovered that are not contraband or evidence shall be returned to the owner.


E. Preservation and submission of evidence to the forensic laboratory

1. Under normal circumstances, the officer or investigator who processed the crime scene is responsible for submitting evidence to the forensic laboratory.
2. Where more than one officer processed the scene, the on-duty supervisor shall choose an officer to take custody of all collected evidence and submit it to the laboratory for analysis.

F. Preservation of perishable or deteriorating items

1. When a rapidly deteriorating item of evidence has been collected (for example, a liquid sample of semen, a blood-soaked shirt), it shall be transported to the forensic laboratory the same day, if at all possible.
2. Any time an officer transports a perishable item to the laboratory for immediate analysis, the laboratory shall be called first so someone with authority to receive it will be available.

3. In cases where immediate transport to the forensic lab is not possible, it should be air dried for no more than one week and transported to the lab as soon as possible.
4. Where appropriate, submit known specimens of evidence so that comparisons can be made. The investigating officer shall be responsible for obtaining any required known specimens and submitting them, along with the items of evidence, to the forensic lab for analysis and comparison.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.42 Eyewitness Identification</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b> 7.32	

**I. POLICY**

This policy is designed to maximize the reliability of identifications and to minimize unjust accusations of innocent persons.

**II. PURPOSE**

The purpose of this policy is to establish department guidelines for a live line-up, a photographic line-up, 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 an incident under investigation.

**III. DEFINITIONS**

- A. Administrator: The person charged with presenting a photographic line-up or a live 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 a photographic line-up or a live line-up.
- D. 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 or the live line-up.
- E. Blind Manner: The presentation of a photographic line-up by either a blind administrator or a blinded administrator.
- 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 of persons used in a photographic line-up whose race, sex, age, height, weight, hair style, and general appearance resemble the suspect.
- H. Folder Method: A photographic line-up that places the photographs in separate folders or envelopes that are randomly shuffled prior to presentation so that the assigned investigator does not know which photograph the witness is viewing.
- I. Illiterate Person: An individual who speaks and understands English but cannot read and write English.
- J. Interpreters: Individuals with the skills necessary to enable them to communicate with an illiterate person or a person with limited English proficiency to the degree that ensures the person clearly understands all instructions given them that pertain to viewing a suspect in any identification procedure. These instructions are given prior to the line-up.
- K. Live Line-up: 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 or eliminating suspects.
- L. Person with Limited English Proficiency: An individual who is unable to communicate effectively in English with a level of fluency expected of a native English speaker. Such a person may have difficulty speaking, reading, or writing in English. The definition includes persons who can comprehend English but are physically unable to write.
- M. Photographic Line-up: A collection of photographs that includes one of the suspect and filler photographs. The photographs are placed in random order and shown to a witness for the purpose of identifying and eliminating suspects.
- N. Sequential Viewing: An identification procedure in which photographs are shown one at a time to a witness.
- O. Simultaneous Viewing: An identification procedure in which all photographs are shown at the same time to a witness.
- P. Suspect: An individual who has been specifically identified by the investigation as possibly being the person who committed the crime.
- Q. Witness: An individual who has witnessed an incident or some part of an incident who might be a complainant, a victim, an 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 administering them and the difficulty of obtaining a sufficient number of individuals with similar physical characteristics. An investigator who determines that a live line-up is needed should contact the district attorney



for procedural and technical assistance, and the line-up should be carried out with the principles of this policy in mind.

- B. Photographic line-ups are approved for use by this department if the procedures listed below 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 the following:

1. Preparing the photographic line-up, including the selection of fillers, and ensuring each of the photographs is 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, or non-English speaking, or has limited English proficiency, the investigator will arrange for assistance to translate the photographic line-up 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 for future reference, whether an identification is made or not. For future reference, the photos in their original condition, full information about the identification process, the photographic line-up form, and the audio/video recording of the administration process are placed into evidence after the procedure
5. The assigned investigator should prepare the photographic line-up according to the following guidelines:
  - a. Include only one suspect in each identification procedure.
  - b. Select fillers that generally fit the witness's 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 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 line-ups 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.
  - h. Do not mix color and black and white photos.
  - i. Use photos of the same size and basic composition.
  - j. Mug shots should not be mixed with other photos.

- k. If mug shots are to be used, cover any portions that provide identifying information about the subject.
- l. All individuals in the photographic line-up and/or the origin of the photos should be known to the investigator, if possible.
- m. Photos should be reasonably contemporary.
- n. Do not use more than one photo of the same suspect.
- o. View the array, once completed, to ensure that the suspect does not unduly stand out.

B. The administrator is responsible for the following:

- 1. Ensuring that everyone connected with the line-up is familiar with the contents of this policy and the line-up presentation process.
- 2. Ensuring the photographic line-up is presented in a manner consistent with this policy.
- 3. Documenting the conduct and results of the line-up presentation in the manner approved within this policy.
- 4. Returning all line-up materials and documentation to the assigned investigator.

## **VI. PRESENTING PHOTOGRAPHIC LINE-UPS**

- A. It is the intent of this department to present all photographic line-ups to witnesses in a blind manner and using a sequential presentation of the photographs.
- B. If a sworn member of the department is not available to conduct the line-up, a blind administrator or a sworn member of another local agency may be used. The assigned investigator preparing the line-up should ensure the assisting officer is aware of the procedures prior to presenting a line-up to a witness.
- C. If another sworn officer is not available within a reasonable period of time the assigned investigator may present the line-up to a witness using the folder method. The witness is shown only one folder at a time. The photographic line-up form is changed to indicate the procedure used and the same presentation procedures are used (see below) and the process used thoroughly documented. The investigator should also document the reasons for not being able to use a blind administrator.
- D. Police personnel attending the line-up presentation should not make any suggestive statements or take any other action that may influence the judgment or perception of the witness.
- E. Prior to beginning the presentation, the person conducting the line-up must 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, he/she must contact the assigned investigator to determine if the identification process should continue and document this action in the supplement report.

The agency must determine how to incorporate a supplement report into the incident under investigation when it is submitted by a member of another agency. An agency may allow an assisting officer access to its in-house reporting mechanism, merge a report from the assisting officer's reporting system into its system, etc.

- F. The administrator arranging the line-up must provide the witness with a photographic line-up 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 witness's memory. The officer conducting the line-up should (1) read the instructions and admonitions verbatim from the form, (2) ensure that the witness understands the instructions before proceeding, (3) obtain the witness's signature indicating he/she understands the procedure, and (4) sign the form as "administrator."
- G. The administrator must show the witness the photographs in a random order, one at a time, and document the order shown. Remove each photograph from the witness prior to providing a new one. Allow the witness to see only one photograph at a time.

Confidence levels are generally expressed in terms of percentage. For example a witness may state they are 100% sure. A witness may state they are "pretty sure" or "almost sure." The agency should consult with their local DA to determine the type of expression required for prosecution.

- H. If the witness identifies a suspect, the administrator must record the number or other identification of the photograph and ask the witness for a statement of how confident he/she is about the identification.
- I. The remaining photographs must be shown even after a suspect is identified.
- J. The administrator must complete the statement-of-witness portion of the form, including documenting the witness's confidence statement in his/her own words, regarding the relative certainty of any identification. The witness must complete and sign the appropriate portion of the form. The administrator must return all files, photographs, and forms to the assigned investigator and complete an offense supplement on the identification procedure.
- K. The administrator does not provide any feedback of any kind to the witness during the procedure, including whether or not the suspect was picked.

## **VII. DOCUMENTATION OF PHOTOGRAPHIC LINE-UPS**

- A. All photographic line-ups will be documented in the method reasonably available to the administrator at the time of presentation. Acceptable methods of documentation include the following:
  - 1. video and audio recording
  - 2. audio recording
  - 3. written documentation of the line-up presentation process.

In all cases, the administrator will, at a minimum, document in an offense- supplement report the details of the line-up presentation process and result, and return the supplement, the photographic line-up form, any video/audio recordings, and all original photographs and documents to the assigned investigator.

## **VIII. FIELD IDENTIFICATION PROCEDURES**

The use of field identification should be avoided whenever possible in preference for the use of a photographic or live line-up. 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 guidelines listed below should be followed.

### **A. Procedures for 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 either 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.
4. No field identification will be done if the witness is unsure of his/her ability to identify the suspected individual.
5. Whenever possible, the witness should be transported to the location of the suspect rather than bringing the suspect to the witness.
6. Field identifications should not be attempted more than two hours after the commission of a crime.
7. 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.
8. Field identification should be conducted with only one witness present at a time. If there is more than one witness a separate field identification should be conducted for each one. If one witness positively identifies the individual, the field administrator should consider making an arrest and using the above photographic line-up procedures for other witnesses.
9. The same suspect should not be presented to the same witness more than once in either field or photographic line-ups.
10. 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.

11. 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.
12. These restrictions apply not only to civilian field identifications, but to field identifications in which an officer is the witness.

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 that he/she understands the procedure.
2. The officer will video/audio tape the witness viewing the suspect using the squad car video and audio recording system and will document on the field-identification form the witness's comments regarding the suspect. The form will be given to the assigned investigating officer who will include the form in the original case report. The video/audio recording will be pulled and placed in evidence and the evidence number included in the offense or supplement report.

**SOCORRO POLICE DEPARTMENT**  
**Photographic Line-up Form**

Case Number: \_\_\_\_\_

**Admonition. Read the following to the witness:**

1. You will be shown a number of photographs.
2. I have been asked to show these photographs to you, but I do not know the identity of the perpetrator.
3. These photographs are numbered, and I will show them one at a time, in a random order. Please take as much time as you need before moving to the next photograph.
4. All of the photographs will be shown even if you make an identification.
5. The person who committed the crime *may or may not* be in this line-up and you should not feel compelled to choose anyone.
6. Regardless of whether you make an identification, we will continue to investigate this incident.
7. If you recognize anyone, please tell me which photograph you recognize and how or why you recognize the individual.
8. You should not discuss the identification procedure or its results with other eyewitnesses involved in the case and should not speak with the media regarding any identification you may make.
9. If you make an identification, I am required to ask you to state in your own words how certain you are of the identification.

I, \_\_\_\_\_, understand the above information.

Line-up administrator: \_\_\_\_\_

Order of photographs shown: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Statement of Victim/Witness:**

On the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, at \_\_ o'clock \_\_ m), I viewed a photo line-up. This line-up contained photographs of \_\_\_\_ persons.

I did identify the person with the number \_\_\_\_.

Identification comments / Level of certainty: \_\_\_\_\_

\_\_\_\_\_

Viewer's signature: \_\_\_\_\_

I was unable to positively identify any of the persons in the line-up.

Viewer's signature: \_\_\_\_\_

Other persons in attendance during line-up, including any translator if used:

Name and address: \_\_\_\_\_

Name and address: \_\_\_\_\_

**SOCORRO POLICE DEPARTMENT  
Field Identification Form**

Case Number: \_\_\_\_\_

**Read the following to the witness:**

1. You will be advised of the procedures for viewing in a field identification.
2. The fact that an individual is being shown to you should not cause you to believe or guess that the guilty person(s) has been identified or arrested.
3. This *may or may not* be the person who committed the crime.
4. You are in no way obligated to identify anyone. It is as important to clear the innocent as it is to identify the guilty.
5. Regardless of whether you make an identification, the police will continue to investigate this incident.
6. If you recognize anyone, please tell me how you recognize the individual.
7. 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 him/her/them as \_\_\_\_\_

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Viewer's Signature: \_\_\_\_\_

Officer's printed name: \_\_\_\_\_


Officer's signature: \_\_\_\_\_

Other persons in attendance during field identification.

Name and Address: \_\_\_\_\_

Name and Address: \_\_\_\_\_



	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.43 Informants</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b> TBP: 7.11 and 7.12	

**I. POLICY**

In many instances, a successful investigation cannot be conducted without the use of confidential informants or CIs. While the use of CIs is an effective tool in investigations, it can be undermined by the misconduct of the CI or the officer utilizing the informant. Therefore, it shall be the policy of this law enforcement agency to take necessary precautions by developing sound informant-control procedures.

**II. PURPOSE**

The purpose of this policy is to provide regulations for the control and use of confidential informants (CIs).

**III. DEFINITIONS**

- A. Confidential Informant: An individual who provides services or information to the police, with or without being paid, but who wishes to remain anonymous.
- B. Confidential Informant File: File maintained in order to document all information that pertains to confidential informants.

**IV. PROCEDURES**

- A. Establishment of an Informant File System
  - 1. The commanding officer in charge of the criminal investigations functions shall be responsible for developing and maintaining confidential informant files.
  - 2. A file shall be maintained on each confidential informant (CI) used by officers. Each file shall be coded with an assigned informant control number and shall contain the following information:
    - a. Informant's name
    - b. Informant payment record, which provides a summary of informant payments and which is kept on top of the file
    - c. Receipts for purchase of information
    - d. Copy of each statement made by informant

- e. Name of officer initiating use of the informant
  - f. Informant's photograph, fingerprints, and criminal history record
  - g. Briefs of information provided by the CI and its subsequent reliability
  - h. Signed informant agreement
  - i. Update on active or inactive status of informant.
3. If it is determined that an informant is unreliable, the informant's file shall be placed in the "Unreliable Informant File."
  4. All persons determined to be unsuitable for use as a CI shall be referenced as "unreliable" in the Informant File.
  5. Confidential informants who at any time provide officers with false or erroneous information or statements shall have the notation "Unreliable" and the details of the erroneous information placed in the CI file. Officers shall not use any information provided by an individual who has previously been designated an unreliable informant.
  6. Informant files shall be maintained in a secured area within the criminal investigations section.
  7. Access to the informant files shall be restricted to the Chief of Police, the supervisor of criminal investigations, or their designees.
  8. Sworn personnel may review an individual's informant file only with the approval of the supervisor of criminal investigations.

#### B. Recruitment and Use of Informants

It is critical that officers exercise good judgment in their use of informants, and that they understand the motivation that prompts an individual to serve as an informant. The most common motives include providing information as a means to eliminating or reducing a criminal case against themselves, for money, and a sense of civic responsibility. But there might be other reasons, making it important that officers ascertain the true motive.

1. Officers may recruit informants in the following manner:
  - a. From the members of the public who may have information about specific criminal activities occurring in the city.
  - b. From individuals arrested for non-violent crimes, such as possession of controlled substances. No CIs will be recruited for purposes of reducing or eliminating any charges where there is a victim of a crime or charges involving family violence.
  - c. From individuals who volunteer to be a CI, with or without payment.
  - d. Juveniles (under age of 21) shall not be used. While officers may receive information and act on confidential information given by a juvenile, the juvenile shall not be considered a CI nor encouraged nor paid any monies (other than through the Crimestopper program) for any work done. The use of juveniles for tobacco or alcohol sting operations is permitted if approved by the Chief of Police and with the approval signature of both custodial parents.
2. Before using an individual as a CI, an officer must receive initial approval from the detective supervisor.
3. Before using any individual who is currently on probation or parole, the officer must obtain permission from the controlling probation or parole officer.

4. The officer shall compile information through a background investigation that is sufficient to determine the reliability and credibility of the individual.
5. After the officer receives initial approval to use an individual as a CI, an informant file shall be opened.


#### C. General Guidelines for Handling CIs

1. All CIs are required to sign and abide by the provisions of the departmental informant agreement. The officer utilizing the CI shall discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:
  - a. Informants are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon;
  - b. Informants will be arrested if found engaging in any illegal activity, and they will receive no special legal considerations;
  - c. Informants are not to take, and the department will not condone, any actions that may be considered entrapment. Entrapment occurs when the informant encourages, persuades, or otherwise motivates a person to engage in criminal activity.
2. No member of this agency shall knowingly maintain a social relationship with CIs while off duty, or otherwise become personally involved with CIs. Members of this agency shall not solicit any favors, accept gratuities from, or engage in any private business transaction with a CI.
3. Whenever possible, an officer shall be accompanied by another officer when meeting with a CI.

#### D. Payments to Informants

1. The department maintains a confidential fund for payment to informants. Payments to informants (CIs) will be approved by the Chief of Police or designee in advance of any payment.
2. Officers wishing to secure the services of a paid informant shall do the following: prepare and present to his or her supervisor a Request-for-Funds form with the CI's number, a short explanation of what information is being purchased, and what case or incident the information pertains to. The supervisor will determine if the payment is appropriate and forward the request to the Chief of Police or designee.
3. Payment can be requested the following purposes: information alone; investigative funds for the purchase of illegal drugs, contraband and other criminal evidence; purchases of food and beverages for a confidential informant; expenditures for authorized undercover operations; and flash and front money.
  - a. If the expenditure is approved by the Chief of Police, the detective supervisor will log out the money to the officer and have the officer sign a receipt for the money on the Request Form. The supervisor shall also note the disbursement in the confidential funds log.
  - b. The officer will meet with the informant with at least one other officer or supervisor present and obtain the information and make payment to the CI. The CI will sign a receipt for the funds.

- c. If no payment is made, the funds will be returned to the detective supervisor before the end of shift.
  - d. The receipt will be returned to the detective Supervisor along with a summary of the information provided and will place the original of the receipt in the confidential fund log.
  - e. A copy of the receipt and the summary of information given will be placed in the CI's file.
4. Narcotics Informants
- a. Payment for any covert drug purchase should follow all standard protocols for proving reliance, including searching the informant prior to the purchase, providing only purchase cash, surveillance to and from the purchase, and a complete search following the purchase, witnessed by at least two officers.
  - b. If at all possible, a single CI should not be allowed to identify a narcotics target and make a purchase for the prosecution of that target. A separate CI should be used if possible to prevent a CI from using the law enforcement system to his/her advantage.
5. Maintenance of the confidential fund.
- a. The detective supervisor is assigned the responsibility for maintaining the informant fund. The fund will be maintained in a locking cash box that is kept locked in the safe in the detective supervisor's office.
  - b. The confidential fund custodian shall make payments only to those who have approval from the Chief of Police or a designee.
  - c. The custodian is not permitted to make disbursements from the confidential fund to himself/herself.
  - d. A disbursement log and receipt book will be maintained inside the cash box with the funds. Entries in the log will be made for every disbursement or return as well as replenishment of the fund.
  - e. The disbursement log shall record the beginning balance, date of withdrawal, amount, name of receiving officer, CI number, case number if any, and ending balance.
  - f. After an officer returns with a receipt signed by the informant, the detective supervisor will check the signature to ensure a match with the signature on file and place a copy of the receipt in the informant file along with a statement of the information or service received. The original of the receipt will be kept in a file in the safe with the cash box.
  - g. When the amount in the informant fund drops below \$100, the detective supervisor will request replenishment from the City of Socorro finance department.
  - h. At least every six months, the Chief of Police or a designee not connected with the management of the fund will conduct an audit of the fund and operational procedures. The audit will be documented and forwarded to the Chief of Police and the City of Socorro finance department. A notation of the audit will also be made in the disbursement log.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 7.44 Sex Offender Registration</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b> TBP: 7.31	

**I. POLICY**

Police departments are required by law to register sex offenders who intend to reside within their jurisdiction. Citizens of the City of Socorro expect the department to be protective of their children by registering sex offenders and ensuring they comply with the terms of their court-imposed requirements. The El Paso County Sheriff's Department will meet those expectations by accurately registering sex offenders, conducting periodic checks to ensure offenders are complying with the court's requirements, and prosecuting those who fail to do so.



**SOCORRO POLICE DEPARTMENT**


**Policy 7.50 Civil Process and Records**

**Effective Date:**

**Replaces:**

**Approved:** \_\_\_\_\_  
Chief of Police

**Reference:** TBP: 7.29 and 7.30

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 8.1 Unusual Occurrences and Special Events</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: center;">Chief of Police</div>	
	<b>Reference:</b> TBP: 2.22, 8.07, 8.08, 8.09, and 8.11	

## I. POLICY

Unusual occurrences include emergencies resulting from natural or man-made disasters or civil disturbances, such as riots, disorders, spontaneous violence, or labor disputes. While these occurrences are uncommon, the department must always be prepared to deploy personnel in the field and to coordinate with the responses of other law enforcement agencies and other public service agencies that might become involved. Department personnel must act quickly, decisively, and knowledgeably to mitigate disorder or disaster by restoring order and control, and by protecting lives and property.

## II. PURPOSE

The purpose of this policy is to establish general guidelines for planning and deploying personnel for unusual occurrences.

## III. DEFINITIONS

- A. Unusual Occurrences: Natural or man-made disasters, civil disturbances, unusual police situations, such as hostage taking or barricaded persons, and even planned 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 or any other unusual occurrence that requires special action by this agency.

## IV. PROCEDURES

- A. Administration

1. The Chief of Police is responsible for the overall planning of the law enforcement response to unusual occurrences and for department participation in the regional emergency operation plan.
2. The Chief of Police is responsible for coordinating all law enforcement plans with the municipal, county, or state officials charged with emergency activities.
3. A copy of the emergency operations plan will be maintained in the office of the Chief, the communications division, the supervisor's office, and in the patrol briefing room.
4. At least once annually, the department shall conduct training for all personnel on their roles and responsibilities under the county emergency response plan.
5. At least annually, the Chief of Police will require an internal review of the law enforcement appendix to the emergency response plan and other departmental procedures for unusual occurrences.

#### B. Special events

1. The Chief of Police or designee is responsible for the proper planning of the law enforcement operations for any special event held within the city.
2. At a minimum, special event plans shall include the following:
  - a. Anticipated personnel needs and assignments.
  - b. Special qualification requirements, if any.
  - c. Command structure.
  - d. Written estimates of traffic, crowd, or crime problems anticipated.
  - e. Clearly written traffic flow plans.
  - f. Logistics requirements.
  - g. Coordination with outside agencies.
3. Handling of Civil Disturbances is covered in Policy 8.2.

#### C. Unusual Police Incidents

1. Unusual police incidents include the following:
  - a. Bomb threats or incidents where an evacuation is performed or a device is located.
  - b. Hostage taking where the victim is held after police arrival.
  - c. Barricaded persons with ERT callout.
  - d. Hazardous warrant service.
  - e. Other major incidents where more than three units and a supervisor are utilized.
2. The Chief of Police is notified immediately if any unusual police event occurs.
3. Patrol standard operating procedures provide officers direction in handling many unusual police incidents.
4. The department maintains an emergency response team (ERT) trained and equipped to assist in the successful resolution of many unusual police incidents.
5. The management and use of the ERT is provided in Policy 8.3.

#### D. Use of National Incident Management System (NIMS)

1. The department trains all personnel in their appropriate level of NIMS courses for understanding of their role in the management of an incident.




2. The NIMS process of incident command will be utilized in handling all unusual occurrences where more than three units are utilized.

#### E. Mobilization of Additional Resources

1. In any emergency or special operation where law enforcement resources in addition to regular duty personnel are required, the Chief of Police or designee may take one or more of the following actions:
  - a. Hold over the shift due to go off so that personnel from two shifts are available.
  - b. Call back additional personnel.
  - c. Request assistance through mutual aid.
  - d. Request that the Mayor ask for state assistance through the governor's office.
2. The Chief of Police should keep the City Manager and Mayor aware of the status of the emergency or special operation.
3. Some special operations are planned weeks in advance and, where possible, additional personnel required will be given advance notification of time, place, uniform, duties, etc. For other operations, such as raids, security considerations may limit advanced notification to minutes.
4. All members of the department are subject to immediate recall in the event of an emergency.
5. Failure to respond to an order to report to work shall be grounds for termination.
6. The Chief of Police shall assign personnel called back as required, using the skills, knowledge, and abilities of individual recalled officers as needed.
7. Call-back time is paid time and will be strictly controlled and accounted for, minimizing expenditure where feasible.

#### F. After Action Reports

1. After-action reports are required at the conclusion of any unusual occurrence within 10 days of end of the event.
2. Unless otherwise assigned, the supervisor in charge of the event is responsible for the preparation of the report.
3. The after -action report should include the following:
  - a. A detailed, chronological description of the event;
  - b. A description of the prior planning for the event, if any;
  - c. The number and identity of personnel assigned;
  - d. A discussion of the event with focus on the problems encountered or successes accomplished;
  - e. A critical review of operations and what policy, equipment, or procedures need to be changed so that the department can improve its response to a similar problem or event in the future.
4. The after-action report should be prepared in memorandum format and forwarded to the Chief of Police for review.
5. After approval, the Chief of Police shall forward the memorandum to the Mayor and City Manager.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 8.2 Civil Disturbances and Mass Arrests</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP: 8.07	

**I. POLICY**

How law enforcement officers interact with crowds in civil actions, whether in demonstrations or civil disturbances, has direct bearing on their ability to prevent property damage, injury, or loss of life, and to minimize disruption to persons who are uninvolved. Officers confronting civil disturbances and those called upon to assist in these incidents shall follow the procedures as enumerated in this policy to protect life, property, and first amendment rights.

In rare circumstances resulting from man-made or natural emergencies, and in widespread, highly volatile civil unrest with the potential for widespread violence, the incident commander may temporarily deviate from any policy, provision, or guideline contained herein when such action is determined to be the only reasonable alternative for the prevention of loss of life or major property damage.

It is critical to remember that the Constitution of the United States (and other important, binding documents and court decisions) afford the right of the people to express themselves in a variety of ways and for an almost infinite number of reasons. It is the policy of this police department that all human rights are respected and supported.

Further, this department will not provoke or incite demonstrators through any unnecessary show of force. Incident commanders will rely on their training and experience when faced with hostile crowds and will consult (when they're able) with the Chief of Police or appropriate commanders.

It is the policy of this department to avoid making mass arrests of persons when arrest avoidance is reasonable in the interests of safety and security. In addition, this department is committed to working with demonstrators to explore a peaceful and reasonable solution to prevailing concerns.

**II. PURPOSE**

The purpose of this policy is to establish guidelines for managing crowds and preserving the peace during demonstrations and civil disturbances.

**III. DEFINITIONS**

- A. Civil Disturbance: An unlawful assembly, as defined by state statutes and local ordinances. Normally, a gathering that constitutes a breach of the peace or any assembly of persons where

there is a threat of collective violence, destruction of property, or other unlawful acts. These are typically, but not always, spontaneous occurrences requiring the emergency mobilization of police forces and related emergency services.

- B. **Demonstration:** A legal assembly of persons organized primarily to express a political position or other doctrinal view. These are typically scheduled events that allow for police planning. They include but are not limited to marches, protests, and other assemblies that are largely designed to attract the attention of onlookers, media, and others. Demonstrations can evolve into civil disturbances that necessitate enforcement actions. Although crowd control may be necessary at sporting events, festivals, concerts, celebratory gatherings, and related events, these are not defined as demonstrations.
- C. **Crowd Control:** Techniques used to address unlawful public assemblies, to include a show of force, crowd containment, dispersal equipment, and strategies, and preparations for multiple arrests.
- D. **Crowd Management:** Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining their lawful status as accomplished through event planning, pre-event contact with group leaders, issuance of permits, intelligence gathering, personnel training, and other means.
- E. **Skip-Fired Projectiles:** Weapons that are discharged toward the ground in front of a target in order to bounce to the target.

#### **IV. PROCEDURES: General Management and Organization Principles**

- A. By law, this municipality may impose reasonable restrictions on the time, place, and manner of expressing first amendment rights. This department shall place only those limitations and restrictions on demonstrations necessary to maintain public safety and order and, to the degree possible, allow uninhibited commerce and freedom of movement for uninvolved persons. If at all possible, any planned constraints of first amendment rights will be reviewed by city legal prior to implementation.
- B. The on-duty supervisor will assume the role of incident commander (IC) at the scene of mass demonstrations and civil disturbances until relieved by a higher-ranking supervisor or the Chief of Police.
- C. The IC shall be responsible for preparing any tactical plans and management details associated with planned demonstrations.
- D. If at all possible, a member of the department should be detailed to conduct a video recording of the incident and the department's response to it, including any interactions involving use of force.
- E. The incident-command system shall be used in crowd management and civil disturbances to ensure control and unified command. The incident commander shall do the following:
  - 1. Assume responsibility for issuing and disseminating all orders to members of his or her command and for determining the resources that are necessary and the extent to which they will be used.

2. Direct the establishment and organization of an incident command post.
3. Call for any necessary assistance.
4. Authorize such use of force and engagement with the crowd as deemed necessary to resolve unlawful actions.
5. Authorize the use of arrest as a means of curtailing unlawful behavior.
6. Designate a liaison officer to coordinate with other city or county emergency service providers as well as government offices, agencies, and departments.
7. Ensure that officers at the staging area are briefed on the type of crowd being monitored. They will be told what to expect from participants and what types of responses and force can be employed. They shall also be informed that the incident commander will order the response deemed appropriate and that the unit will act in concert with and follow the direction of the incident commander.

## **V. USE OF FORCE**

- A. The department's use-of-force policy is equally applicable to enforcement actions in the context of both mass demonstrations and civil disturbances. That is, officers may use only such force as reasonably appears necessary to protect themselves or others from physical harm, to restrain or subdue a resistant individual, or to bring an unlawful situation safely and effectively under control.
- B. Unity of action, command, and control are key to effective handling of demonstrations and civil disturbances. Thus, unless exigent circumstances require immediate action, officers shall not independently make arrests or employ force without command authorization. In exigent circumstances, supervisors shall independently authorize the use of force or such other tactics in accordance with the agency's use-of-force policy and this policy.
- C. All officers providing assistance to this agency through mutual aid agreements, contracts, or other means shall be briefed on the mutually agreed upon provisions of those agreements relating to the use of force and protocols for crowd control prior to deployment.
- D. The following restrictions and limitations on the use of force shall be observed during mass demonstrations and civil disturbances:
  1. Canine teams may respond as backup as appropriate, but officers shall not deploy dogs for crowd control. Canines shall remain in patrol vehicles or other secure locations and, whenever reasonably possible, out of the view of demonstrators. Canines may be deployed in isolated circumstances related to pursuit of suspects in buildings and related environments.
  2. Horses may be used to surround and control groups in nonviolent demonstrations as appropriate. They shall not be used against passively resistant demonstrators who are sitting or lying down. Horses shall not be deployed when the use of chemical agents is anticipated or deployed, nor shall they be used in icy or snow conditions.
  3. Fire hoses shall not be used for crowd containment or dispersal.
  4. Motor vehicles may be used to surround and move persons as appropriate but shall not be brought into contact with them for purposes of containment or dispersion.
  5. Less lethal projectiles shall not be fired indiscriminately into crowds. Skip-fired projectiles and munitions or similar devices designed for non-directional, non-target-specific use may be used in civil disturbances where life is in jeopardy.

6. Direct-fired impact munitions, to include beanbag and related projectiles, shall not be used for crowd control or management during demonstrations.
  7. Direct-fire munitions may be used where reasonable during civil disorders against specific individuals who are engaged in conduct that poses a threat of death, great bodily harm, or serious property damage, when the individual can be properly targeted.
  8. When reasonably possible, a verbal warning shall be issued prior to the use of impact munitions.
  9. Conducted Electrical devices (CED) shall be used during civil disturbances only for purposes of restraint or arrest of individuals who are actively resisting and when alternative, lesser means of control are not available or are unsuitable and only when an individual can be accurately targeted. CED's may not be fired indiscriminately into crowds.
  10. Officer-issued aerosol restraint spray (OC) may be used against specific individuals who are engaged in unlawful acts or conduct or are actively resisting arrest, or as necessary in a defensive capacity when other alternatives would likely be inadequate or are unavailable. It shall not be used indiscriminately against groups of people, in demonstrations or crowds where bystanders would be unreasonably affected, or against passively resistant individuals.
  11. High-volume OC delivery systems, , are designed for use against groups of people engaged in unlawful acts or ones who are endangering public safety and security. These may be used only with the approval of the incident commander. Whenever reasonably possible, a warning shall be issued prior to the use of these systems.
  12. CS chemical agents are primarily offensive weapons that shall be used with the utmost caution. CS may be deployed defensively to prevent injury when lesser force options are either not available or would likely be ineffective. Such munitions shall be carried and deployed only by trained and authorized officers at the direction of the incident commander or field commander and only when avenues of escape are available to the crowd and, where possible, announced to the crowd in advance. Whenever reasonably possible, a warning shall be issued prior to the dispersal of chemical munitions.
  13. The riot baton shall be used primarily as a defensive weapon or as a means of overcoming active resistance.
- E. Use-of-Force Reporting and Investigation

Established use-of-force reporting requirements of this department are equally applicable to policing mass demonstrations and civil disturbances. However, reporting, documenting, and recording uses of force in the context of civil disturbances and mass demonstrations can be hampered by logistical and safety concerns. Officers will complete use-of-force forms as soon as practical after the event.

## **VI. DEMONSTRATIONS**

- A. Preparation for responding to a demonstration is the responsibility of the Chief of Police. The incident commander shall ensure that a written, incident-action plan is developed for approval by the Chief or his or her designee.
- B. Every effort shall be made to identify the leaders of the demonstration and to make contact with these leaders in advance of the demonstration. A decision on personnel, resources, and related needs shall be based in part on information obtained from leaders, department intelligence, and other sources. In addition, answers to the following questions shall be collected:
  1. What type of event is involved?

2. When is it planned?
  3. Is outside opposition to the event expected?
  4. How many participants are expected?
  5. What are the assembly areas and movement routes?
  6. What actions, activities, or tactics does the department anticipate the demonstrators will use, including devices designed to thwart arrest?
  7. Have permits been issued?
  8. Have other agencies, such as fire and EMS, been notified?
  9. Is there a need to request mutual aid?
  10. Will off-duty personnel be required?
  11. Have demonstration leaders been identified, and, if so, what is their past history of conduct at such events?
  12. Is it possible to meet with group leaders?
- C. Based on this and related information, the department will develop an action plan together with outside agencies where necessary. The plan shall address provisions for the following and be distributed to all affected command and supervisory officers.
1. Command assignments and responsibilities
  2. Manpower, unit structure, and deployment
  3. Liaison with demonstration leaders
  4. Liaison with outside agencies
  5. Release of information to the news media
  6. Transportation, feeding, and relief of personnel
  7. Traffic management
  8. Demonstrator devices, extrication teams, and equipment
  9. First aid stations
  10. Transportation of prisoners
  11. Prisoner detention areas
  12. Any intelligence information
- D. Officers shall monitor crowd activity. Sufficient resources to make multiple simultaneous arrests should be available, depending on the fluidity of the situation and degree of actual or likely disruption.
- E. Assigned officers shall wear their badges and nameplates or other personal identification on the outside of their uniforms or on their helmets at all times.
- F. Officers shall be positioned in such a manner as to minimize contact with the assembly.
- G. Officers shall not engage in conversations related to the demonstration or react to comments from demonstrators.
- H. Officers shall maintain a courteous and neutral demeanor.
- I. Persons who reside, are employed, or have business of an emergency nature in the area marked off by a police line shall not normally be barred from entering the demonstration area unless circumstances suggest that their safety would be jeopardized or their entry would interfere with police operations.

- J. Unit commanders shall establish and maintain communication with demonstration leaders and relay information on crowd mood and intent to the incident commander. Supervisors shall maintain close contact with officers under their charge to ensure their compliance with orders, to monitor their behavior and disposition, and to ensure that they are aware of any changes in crowd attitude or intent.
- K. Before ordering forced dispersal of demonstrators, the incident commander shall determine whether lesser alternatives may be effective. These alternatives include the use of containment and dialogue, as follows:
  - 1. Establish contact with crowd leaders to assess their intentions and motivations and develop a mutually acceptable plan for de-escalation and dispersal
  - 2. Communicate to the participants that their assembly is in violation of the law, that the department wishes to resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively
  - 3. Negotiate with crowd leaders for voluntary dispersal or target specific violent or disruptive individuals for arrest. Prior to issuing dispersal orders, the incident commander shall ensure that all potentially necessary law enforcement, fire, and EMS equipment and personnel are on hand to successfully carry out tactical requirements for all contingencies, and that logistical requirements related to the potential for making mass arrests are in place.
  - 4. When the incident commander has made a determination that crowd dispersal is required, he or she shall direct unit commanders to issue warnings prior to taking physical actions to disperse the crowd if time and circumstances permit,
  - 5. The warnings shall be issued loudly enough and often enough to be heard by the crowd from stationary vantage points or with the use of public address devices in moving patrol vehicles.
  - 6. The warning shall consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes. A second and a third warning shall be issued at reasonable time intervals before designated actions are taken to disperse the crowd. Where possible, the warnings shall be audio- or video-recorded at a point to the rear of the crowd, and the time and the names of the issuing officers recorded in the Incident Commander's event log.
  - 7. Specific crowd-dispersal tactics shall be ordered as necessary where the crowd does not heed warnings. These include any one or any combination of the following:
    - a. Display of forceful presence to include police lines, combined with motorcycles, police vehicles, and mobile field forces.
    - b. Crowd encirclement
    - c. Multiple simultaneous arrests
    - d. Use of aerosol crowd-control chemical agents
    - e. Police formations and use of batons for forcing crowd movement

## **VII. SPONTANEOUS DEMONSTRATIONS AND CIVIL DISTURBANCES**

- A. Demonstrations or large gatherings of any kind that escalate into disturbances are governed by the policies and regulations concerning crowd management, control, and dispersal as identified

here with respect to civil disturbances. The first officer to arrive on the scene of a spontaneous demonstration or civil disturbance shall do the following:

1. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent
  2. Notify the communications center of the nature and seriousness of the disturbance, particularly the availability of improvised or deadly weapons, its location and estimated number of participants, current activities (such as blocking traffic), direction of movement, and ingress and egress routes for emergency vehicles
  3. Request the assistance of a supervisor and any necessary backup, and advise as to the present course of action
  4. If approaching the crowd would not present unnecessary risk, instruct the gathering to disperse
  5. Attempt to identify crowd leaders and agitators and anyone engaged in criminal acts
- B. The first field supervisor in charge at the scene shall assess the situation and request sufficient personnel and related resources to perform the following tasks:
1. Deploy officers to the best vantage points to observe and report on crowd actions
  2. Establish an outer perimeter sufficient to contain the disturbance and prohibit entrance into the affected area
  3. Ensure that, to the degree possible, uninvolved civilians are evacuated from the immediate area of the disturbance
  4. Establish a temporary command post based on proximity to the scene, availability of communications, space, and security from crowd participants
  5. Continually assess the situation and advise communications of any change in status and any additional needs
  6. Ensure that surveillance points are established to identify agitators, leaders, and individuals committing crimes, and to document and report on events as they happen
  7. Where illegal gatherings engaged in civil disturbances cannot be controlled with available field personnel within a reasonable period of time, the Chief of Police or his or her designee shall serve as or appoint an IC to direct operations.
  8. The primary objectives of the IC will be as follows:
    - a. Protect persons, including nonparticipants and participants alike, and property at risk
    - b. Disperse disorderly or threatening crowds in order to eliminate the immediate risks of continued escalation and further violence
    - c. Effect the arrest of those individual law violators and the removal or isolation of those persons inciting violent behavior
    - d. To achieve the foregoing objectives, the IC shall employ tactical operations that include but are not necessarily limited to approaches previously identified in this policy
    - e. In the area outside the perimeter surrounding the disorder site, the IC shall ensure that the following actions are taken:
    - f. Move and reroute pedestrian and vehicular traffic around the disorder
    - g. Limit access to the disorder to those persons approved by the IC or other commander
    - h. Control unauthorized egress from the disorder by participants



- i. Repulse attempts to assist or reinforce the incident participants from outside the area

9. The IC shall also ensure the following matters are addressed where indicated:

- a. Ensure that adequate security is provided to fire and EMS personnel in the performance of emergency tasks
- b. Ensure that feeding and relief requirements of personnel have been addressed
- c. Ensure the adequacy and security of the incident command post and designate a staging area for emergency responders and equipment
- d. Establish liaison and staging point for media representatives and, to the degree possible, provide them with available information
- e. Ensure that the IC's event log is staffed for documenting activities and actions taken during the course of the incident
- f. Take photographs and make video-recordings of event proceedings
- g. Take photographs of any injuries sustained by police officers or the public
- h. Determine the need for full mobilization of sworn officers and the recall of off-duty officers.

## **VIII. MASS ARRESTS**


A. During the course of civil disturbances, it may be necessary to make arrests of numerous individuals over a relatively short period of time. In order for this process to be handled efficiently, safely, and legally, the following shall be observed:


1. Except for felony offenses, officers shall not pursue demonstrators into buildings for the purpose of making arrests unless specifically instructed to do so by a supervisor. Supervisors shall accompany and exercise control over members under their command who go on private property or enter buildings to make arrests.
2. Designated, supervised squads of officers shall perform mass arrests.
3. If required, an adequate secure area shall be designated for holding prisoners after initial booking and while awaiting transportation.
4. Arrest teams shall be advised of the basic charges to be recorded in all arrests.
5. Arrestees who are sitting or lying down but agree to walk shall be escorted to the transportation vehicle for processing. Two or more officers shall carry those who refuse to walk.
6. At the transport vehicle, the arrestee shall be advised of the charges. The prisoner shall be searched for weapons, evidence, and contraband, and where possible, by an officer of the same sex. Such items shall be secured and identified prior to transportation.
7. Polaroid or digital photographs shall be taken of the arrestee with the arresting officer, and of the prisoner and any property that is turned over to the transporting officer. Transporting officers shall not accept prisoners without a properly prepared field arrest form and photographs and shall ensure that all property is placed in a container that is legibly marked with the arrest-form number.
8. Upon arrival at the detention facility, the transporting officer shall deliver the prisoner together with the arrest form and personal property.
9. All injured prisoners and those who request medical attention shall be provided medical attention prior to transportation to the detention facility.
10. Photographs shall be taken of all injuries.

- B. All arrested juveniles shall be handled in accordance with this department's procedures for the arrest, transportation, and detention of juveniles.

## **IX. DEACTIVATION**

- A. When the disturbance has been brought under control, the IC shall ensure that the following measures are taken:
  - 1. All law enforcement officers engaged in the incident shall be accounted for, and an assessment and documentation made of personal injuries.
  - 2. Witnesses, suspects, and others shall be interviewed or interrogated.
  - 3. All necessary personnel shall be debriefed as required.
- B. All written reports shall be completed as soon as possible after the incident. They will include a comprehensive documentation of the basis for the incident, the department's response to the incident, and a statement of impact that includes the cost of equipment, personnel, and other expenses related to the incident.
- C. The Chief of Police shall provide a memorandum to the City Manager and Mayor regarding the incident.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 8.3 Emergency Response Team</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b> TBP: 3.10, 3.11, 8.03, 8.04, 8.05, and 8.06.	

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 8.4 Assisting the Mentally Ill</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police	
	<b>Reference:</b>	

**I. POLICY**

It is the policy of this department to protect an emotionally or mentally unstable person from harming themselves, others, or property. Police work brings officers into contact with persons who are emotionally or mentally unstable. This instability may be due to any number of factors, including alcohol/drug dependency, emotional trauma, or some form of mental illness.

Our primary concern in these cases is the safety and welfare of that person, the community, and the officer. An officer who has probable cause to believe that an emotionally or mentally unstable person presents an immediate threat of harm to himself/herself or another person will take that person into protective custody and transport him/her to a facility where trained professionals can evaluate the emotional and mental status of that person.

**II. PURPOSE**

The purpose of this policy is to provide officers with guidance on responding to calls involving the mentally ill.

**III. PROCEDURES**

- A. Recognizing abnormal behavior: Mental illness is often difficult for even 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 either to the person 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 the need for intervention absent the commission of a crime.

1. 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.
2. 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.
3. 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.
4. 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;
  - e. extreme fright or depression.
5. Determining Danger: 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/herself, 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, the family, friends, or neighbors, who 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, the inability to sit still or to 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. The surroundings should be kept as calm as possible. Any elements that agitate the environment, or that make for a particularly combustible environment, or 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 a mental illness 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 do the following:
  - 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, or the person's "fight or flight" may be engaged.
  - 3. Approach the individual from the front.
  - 4. Be helpful and professional.
  - 5. Provide or obtain on-scene emergency aid when treatment of an injury is urgent.
  - 6. Check for and follow procedures indicated on medical alert bracelets or necklaces.
  - 7. Indicate a willingness to understand and help. Use active listening, and paraphrase responses.
  - 8. Use the person's name and your name when possible.
  - 9. Speak slowly, simply and briefly.
  - 10. Move slowly.
  - 11. Remove distractions, upsetting influences, and disruptive people from the scene.
  - 12. Understand that a rational discussion may not take place.
  - 13. Recognize that sensations, hallucinations, thoughts, frightening beliefs, sounds ("voices"), or the environment are "real" to the person and may overwhelm the person.
  - 14. Be friendly, patient, accepting, and encouraging, but remain firm and professional;
  - 15. Be aware that your uniform, gun, and/or handcuffs may frighten the person with mental illnesses. Reassure him or her that no harm is intended.

16. Attempt to determine if the person is taking any psychotropic medications.
  17. Announce actions before initiating them.
  18. Gather information from family or bystanders.
  19. Use patience and communications to control.
  20. Use physical force only as a last resort.
  21. Don't be afraid to ask direct questions about what the person is experiencing, such as, "Are you hearing voices? Are you thinking of hurting yourself? Are you in need of something?"
- B. Officers should be aware that their own actions might have an adverse effect on any situation that involves a mentally ill person. Actions that officers should generally avoid include the following:
1. Moving suddenly, startling the person, giving rapid orders, or shouting.
  2. Forcing discussion.
  3. Cornering or rushing.
  4. Touching the person (unless essential for the safety of the person, bystanders, or the officer involved).
  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 provide training to all department personnel. This training shall be provided to all newly hired personnel during their first week of employment, with refresher training given to all personnel at least every three (3) years.

## **V. EMERGENCY APPREHENSION AND DETENTION**

- A. HSC 571.003 defines "mental illness" as an illness, disease, or condition, other than epilepsy, senility, alcoholism, or mental deficiency, that has the following effects:
1. Substantially impairs a person's thought, perception of reality, emotional processes, or judgment; or
  2. Grossly impairs behavior as demonstrated by recent disturbed behavior.
  3. HSC 573.001 empowers peace officers without a warrant to take into custody a person if the officer has reason to believe and does believe the following:
    - 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.
  4. A substantial risk of serious harm to the person or others under Subsection (a)(1)(B) may be demonstrated by the following:
    - 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.
5. The peace officer may form the belief that the person meets the criteria for apprehension on the basis of the following:
  - a. representation of a credible person;
  - b. the conduct of the apprehended person;
  - c. the circumstances under which the apprehended person is found.
6. 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.
7. A jail or similar detention facility may not be deemed suitable except in an extreme emergency.
8. 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.

B. Juvenile Mentally Ill Patients: 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 begun toward taking the subject into custody.
  2. An officer who feels that a patient should be taken into custody will not force entry into the home of the mentally ill person unless a life is in immediate danger.
  3. The officers taking the person into custody will apply handcuffs for transport. The officers should explain that handcuffs are necessary for everyone's protection. They should use front cuff with belt restraint if possible. Officers who believe the subject will not resist should inform the subject of their intentions beforehand and explain their reasoning. Officers who believe the subject will resist should understand that 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. The officers should proceed to the mental health facility and turn the subject over to the staff.
  6. The officers must complete an application for emergency detention, which details actions of the subject that led the officer to believe there was danger to the subject or to others.
  7. The officer must complete a miscellaneous incident report detailing the event and attach a copy of the petition to the report.
  8. The officer should consider providing the mental health facility with a copy of the vehicle AVR tape for review by the interviewing doctor.

- B. Physically Ill Mentally Disturbed Persons. When a mentally ill person is also physically ill or injured so that transport by ambulance is necessary, an officer will ride in the rear of the ambulance with the person.

## **VII. CRIMINAL OFFENSES INVOLVING THE MENTALLY ILL**

- A. If an officer believes that an individual who commits a crime is exhibiting symptoms of mental illness and the person is an immediate danger to himself/herself or others, the officer should apprehend the person and take him/her to a mental health facility under an Application for Emergency Detention. The officer will prepare an offense report that provides all the details of the offence and a description of the subject's behavior. If an evaluation determines that the individual is competent he/she will be filed on for the offense and an arrest warrant obtained.
- 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 should be treated as follows:
  - 1. If the offense is a misdemeanor, release to a competent adult caregiver or booked into jail. If booked into jail, every attempt will be made to locate a caregiver and release the person to the caregiver on personal recognizance.
  - 2. If the offense is a felony, the individual will be booked into jail and every attempt will be made to contact a caregiver. The individual will be required to make bond.
  - 3. In cases of family violence, a supervisor or the Chief of Police should be consulted to determine an appropriate response.
  - 4. In any case involving a person whom the officer suspects is mentally ill is booked into jail, but not housed with other inmates. Every effort will be made to monitor that person's safety. Process the individual as quickly as possible to remove him/her from the facility.
  - 5. Juveniles who are suspected of being mentally ill but non-violent who are being cared for by a responsible person will not be detained unless a felony has been committed.
  - 6. Violent juveniles who are suspected of being mentally ill 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 that is or may become well known to the police department. Whenever contact is made with these individuals, a Field Interview (FI) card should be completed.
- C. Information that is included in the computer-aided dispatch (CAD) regarding a mentally ill person who is a hazard to police officers should be written up by a supervisor and sent to the communications supervisor.

## **IX. REFERRALS TO MENTAL HEALTH FACILITIES**



- A. When a police employee receives a telephone call from a person who appears to be mentally disturbed or irrational, the employee should proceed as follows:
1. Obtain the caller's name, telephone number, and address or the location from which the individual is calling.
  2. If the caller indicates that any life, including the caller's, may be in danger, an officer will be sent and the on-duty patrol supervisor advised of the situation.
  3. If the caller is not an immediate threat to themselves or others, the employee may suggest that the caller contact a local mental health center for assistance.
  4. 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 who 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.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 8.5 Assisting the Developmentally Disabled</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b>	

## 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 reason 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 the needs of this department and the community as a whole.

## 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. DEFINITION

- 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 speaking, learning, mobility, self-direction, self-care, capacity for independent living, and economic self-sufficiency.

Developmental disabilities -- such as 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.

Many of the symptoms of a developmental disability resemble the symptoms of mental illness. However, they are quite distinct in origin. A developmental disability is one that has slowed or halted an individual's normal development. The result may be permanent. Mental illness may occur in individuals who have fully developed mentally and physically but whose illnesses impact their behavior.

## IV. PROCEDURES

- A. Common Symptoms. Developmental disabilities take many forms. Also, 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 gesturing rather than words.
  3. Repetition of phrases or words.
  4. Repetitive body movements some of which may be harmful to themselves. These movements may include, but are not limited to, swaying, spinning, clapping hands, flailing arms, snapping fingers, biting wrists, or banging the head.
  5. Little or no eye contact.
  6. Tendency to show distress, laugh, or cry for no apparent reason.
  7. Uneven or gross movements with poor fine motor skills.
  8. Unresponsiveness to verbal commands; appearance of being deaf even though hearing is normal.
  9. Aversion to touch, loud noise, bright lights, and commotion.
  10. No real fear of danger.
  11. Oversensitivity or under sensitivity to pain.
  12. Self-injurious behavior.
- B. Common Encounters. Officers may encounter persons who have developmental disabilities in a variety of situations many of which involve persons without such disabilities. However, due to the nature of developmental disabilities, it is possible to identify 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, such as stores or on the street.
  2. Seizures. Some developmentally disabled persons, such as those suffering from autism, are 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 having a tantrum or engaging in self-destructive or threatening behavior.
  4. Strange and bizarre behavior. Strange or bizarre behavior may take innumerable forms, such as picking up items in stores (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 violation of personal space, annoying others, or inappropriate touching of others or oneself, are sometimes associated with the developmentally disabled who often are not aware of what constitutes acceptable social behavior.

C. Handling and De-escalating Encounters. Some persons with developmental disabilities can be easily upset and may engage in tantrums or self-destructive behavior. They 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 de-escalate situations involving such persons in the course of taking enforcement and related actions. These include the following:

1. Speak calmly; use nonthreatening body language, with your hands to your sides. Using a stern, loud, command tone to gain compliance will have either no effect or a negative effect on a developmentally disabled person. Be aware that such persons may not understand the Miranda warning even if they say they do.
2. Keep the commotion down. To the degree possible, eliminate 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 should not 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 are obtained. Gaining eye contact in this and related situations is essential but may be difficult. 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 or other developmental disabilities may have 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. An officer who identifies a sensory impairment 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 common officer 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. For example, they may cover their 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 this repetitive behavior unless it is harmful to the individual 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, such as "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 absolutely necessary. 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 in a lockup or other holding cell unless absolutely necessary.
6. Do not incarcerate the person with others.
7. Until alternative arrangements can be made, put the person in a quiet room with subdued lighting with a caregiver or other responsible individual or an 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, such as 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.

	<b>SOCORRO DEPARTMENT</b>	
	<b>Policy 8.6 Active Shooter Response</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ Chief of Police / Sheriff	
	<b>Reference: 6.01, 6.02, 6.07, 7.34, and 8.07</b>	

**V. POLICY**

An active shooter is defined as one or more subjects who participate in a random or systematic homicidal spree by demonstrating their intent to continuously harm others. The subject’s overriding objective appears to be mass murder rather than other criminal conduct, such as robbery or kidnapping.

It is the policy of this agency to respond, contain, and stop the threats and to administer aid to the victims.

**VI. PURPOSE**

To establish policy and procedures governing the response and activities associated with an active-shooter event that will mitigate any further risk of injury or death to civilian or law enforcement personnel.

**VII. PROCEDURES**

**A. Notifications**

The ranking supervisor or officer will notify the chain of command to include the Chief of Police or his/her designee of any active shooter event. Fire and EMS should be notified and requested to stand by in accordance with their protocols.

**B. Mutual Aid**

Upon arriving at the scene of an active shooter event and after assessing the crime scene, the agency should implement its mutual aid agreements with other police agencies if necessary, and with fire and rescue agencies. Additionally, it may be necessary after the incident to collaborate with recovery agencies to assist with the scene and any victims.

**VIII. ACTIVE SHOOTER RESPONSE**

The first two to five responding officers should form a single team and enter the structure. (A single officer entering a structure must understand the inherent risk assumed in taking such an action.) The first officers entering the structure should recognize that their primary objective is to stop further violence. Officers should identify and communicate locations of victims needing medical attention. If practical,

and absent continued shooting, officers should treat any massive hemorrhaging that may result in the immediate loss of life.

### **A. Concepts and Principles**

Safe, effective responses to active shooters are designed around concepts and principles. The first responding officers should:

1. Stay together as much as possible and enter the involved structure quickly.
2. Maximize communication by staying in close contact with other first responders.
3. Maximize threat coverage by addressing all angles.
4. Visually search involved areas using 540 degrees of coverage around and above the team.
5. Evaluate rooms from the threshold (commonly referred to as slicing the pie).
6. Differentiate between deliberate and direct-to-threat speeds and use the appropriate speed for the circumstances.
7. Use cover-contact principles when taking suspects into custody.

### **B. Follow-On Responders**

Follow-on responders should be directed to victim locations if there is no active threat. Follow-on responders should:

1. Establish and maintain security in the area that follow-on responders occupy.
2. Consider the involved structure as unsearched.
3. Not enter a hallway unannounced if it is occupied by other officers.
4. Unless what other officers want accomplished is very clear, move to them after notifications and conduct a face-to-face meeting.
5. Direct victims to safety by utilizing either shelter-in-place or evacuation. If evacuating, establish a cordon of first responders to the desired exit point to ensure safety of victims.
6. Establish a casualty collection point (CCP) for injured persons. The CCP should be a room or open area (if outside of the structure) capable of holding all victims with injuries that require medical treatment. A series of rooms next to each other can be considered if casualties exceed available space.
7. Communicate with all involved responders to ensure the area remains secure while facilitating victim treatment.

### **C. Post-Event**

Responses to an active-shooter event must include the aftermath of the incident. Officers should apply the SIM model (Security / Immediate Action Plan / Medical).

- a. Security should take priority. Responding officers must ensure that the immediate environment they are working in remains secure, particularly if the active shooter remains a threat.




- b. After officers address known threats, they should formulate an immediate action plan as quickly as possible. This plan should be quick and simple and address: “if / then” – the fluid variables of the situation.
- c. Responding officers should address medical issues as soon as they establish security and have an immediate action plan in place.

#### **D. OIS Investigations**

Should there be an exchange of gunfire the agency will implement its officer-involved-shooting policy and respond accordingly.

#### **IX. Media Inquiry**

All requests for information should be funneled through the public information officer (PIO) or the incident commander (IC) for vetting and coordination. Consideration should be given to establishing a media staging location that is not within the immediate vicinity of the active-shooter event.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 9.1 Communications Procedures</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b> TBP: 3.18, 9.01, 9.02, 9.03, 9.04, 9.05, 9.06, 9.07, and 9.08.	

**I. POLICY**

Accurate communication is essential to the operation of any department. The communications center, which functions 24 hours a day, is designed to provide safety and security for police personnel and to respond to the needs of the public. It is essential that every step in our communication process be conducted concisely, effectively, accurately, and properly.

**II. PURPOSE.**

The purpose of this policy is to establish guidelines for responses to calls received through the 911 system.

**III. DEFINITIONS.**

- A. 911: The telephone number 911 is used for emergency telephone communications to the department.
- B. E 911. The Enhanced 911 means that when a 911 call is received the address of the caller is displayed.
- C. Dispatcher: An employee who is authorized answers a 911 or an E911 telephone call.
- D. Unknown 911: A call received on the E911 system but the caller will not or cannot communicate verbally with the Dispatcher. The address and telephone number of the caller will generally be available.
- E. Dispatcher Training Manual: The manual produced by the County 911 Emergency District for the purpose of uniform training of Dispatchers within the district's jurisdiction, which includes this department.
- F. ANI: Automatic number identification. ANI indicates that the Dispatcher's screen shows the caller's telephone number when the E911 line is answered.

- G. ALI: Automatic location identification. ALI refers to the display on the Dispatcher's screen of the caller's address when the E911 line is answered.

#### **IV. GENERAL**

- A. The Communications Center operates 24 hours a day and has 24- hour two-way radio communication with all members of the department operating in the field.
- B. The Communications Center is a secure facility. No unauthorized personnel are allowed inside the facility without the express approval of a communications supervisor.
- C. All tours or other visits to the facility will be coordinated and approved in advance by the communications supervisor.
- D. Police personnel will limit their access to the Communications Center to business- related tasks and shall not take breaks, do reports, or otherwise visit personnel inside the Center.
- E. The Communications Center has an emergency back-up generator for power and keeps portable radios and cell phones for communications in the event of a power failure. In the event of an extended power failure that puts in-coming 911 calls at risk, the 911 calls should be transferred to another PSAP and police and fire-call responses initiated by cell phone or portable radio systems.
- F. The back-up generator is maintained by public works and receives a documented test weekly. The communications supervisor will ensure continuing documentation of generator testing. Any failure during a test will be reported to the Chief of Police immediately.
- G. The dispatch consoles have a recording system that records all telephone and radio transmissions and allows for immediate playback if necessary.

#### **V. ANSWERING CALLS FOR SERVICE**

##### **A. Dispatcher Responsibilities**

1. It is the responsibility of Dispatchers to answer E911 phone calls by saying, "Socorro Police Department 9-1-1. What is your emergency?"
2. Priority 1, 2, and 3 or any other calls requiring police action will be taken on E911 lines.
3. All other callers -- such as those asking for directions, jail information, etc. -- will be immediately instructed to call back on a non-emergency number.
4. Dispatchers will not put E911 callers on hold until the call has been evaluated and there is a determination that placing the caller on hold will not further enhance the caller's emergency.
5. It is the responsibility of the Dispatcher to verbally confirm the ANI and ALI of all calls.
6. It is the responsibility of any Dispatcher who receives a hang-up or other "unknown circumstance" type of call on an E911 line to do the following:
  - a. Dispatch two (2) units to a "priority 2 UNK911" call to the address displayed on the computer screen.

- b. Call the telephone number that is displayed on the screen and try to establish communication with the caller for the purpose of informing the responding unit(s) of pertinent data. If communication is not reestablished, the units will be so notified by the dispatcher prior to their arrival at the location.
    - c. Dispatch one (1) unit to “UNK911” at pay telephones where there is no answer on call back or indication of any type of disturbance.
    - d. Dispatch one (1) unit to “UNK911” from cellular phone to area of X- Y coordinates of caller location if audio indicated a possible disturbance or an emergency situation.
  7. It is the responsibility of any Dispatcher to transfer all calls that should be directed to another agency and instruct the caller to stay on the line and that a transfer is being made. The Dispatcher will stay on the line to verify the transfer. Should the caller hang up, the Dispatcher will continue to contact the needed agency with the information and inform the agency that the caller disconnected before the transfer was completed.
  8. It is the responsibility of the Communication Supervisors to ensure that all Dispatchers have been trained and are familiar with the Dispatcher Training Manual as well as departmental general orders.
  9. It is the responsibility of each Dispatcher to have a working knowledge of the Dispatcher Training Manual and adhere to the instructions contained therein.
- B. When Dispatchers have dispatched officers, they shall complete the CAD dispatch screen with all appropriate information.

## **VI. COMPLIANCE WITH FCC RULES AND REGULATIONS**

- A. Employees will comply with FCC regulations relating to the use of radio communications systems.
- B. Employees will follow established guidelines and procedures as outlined below:
  1. Communications involving the protection of life and property shall be afforded priority.
  2. False calls, false or fraudulent distress signals, unnecessary and unidentified communications, and the transmission of unassigned call signals are specifically prohibited.
  3. Employees shall monitor the radio frequency on which they intend to transmit for a sufficient period to ensure that their transmissions will not cause interference to others.
  4. The duration of radio transmissions must be restricted to the minimum practical transmission time.

## **VII. RADIO COMMUNICATIONS**

- A. Only English will be spoken. Clear, concise, and controlled language will be used. Obscene, indecent, profane, or slang language, horseplay, and joking are not permitted.
- B. Units calling the station shall identify themselves by their assigned unit number. They should not continue the transmission until acknowledged by the dispatcher.
- C. Units will give their unit number when responding to the dispatcher.

- D. Officers will not call for another employee by name unless their radio or unit number is unknown.
- E. Officers will advise the dispatcher of their arrival on the scene of a dispatched call using proper radio etiquette or by MDT/MDC.
- F. Officers at a scene will notify the dispatcher if they determine that no other units are needed.
- G. If an incident is found to have occurred somewhere other than at the dispatched location, the officer will update their location by radio or via message to dispatcher.
- H. Upon completion of a call, officers will clear the call in the proper manner via radio or MDT/MDC and immediately go back into service.
- I. Lengthy transmissions should not be made on the radio system's primary channels. Long transmissions should be done over a secondary channel when available, as a CAD message, or via a cell phone if available. Transmissions should always be held to a minimum.
- J. Employees will not become engaged in an argument on the radio. Conflict between an officer and a dispatcher should be referred to the employees' immediate supervisors for resolution.
- K. Officers shall refrain from seeking advice from a dispatcher regarding a point of law, enforcement action, or department policy. Officers should consult their immediate supervisor on these matters or obtain the information from their laptop computers.
- L. Communication with interacting agencies will be by telephone. Communication with Life Ambulance will be by radio or cell phone as required.

## **VIII. EMERGENCY SITUATIONS**

- A. Transmissions regarding emergencies (e.g., pursuits, serious crimes in progress, etc.) will be given priority over all other transmissions. Units not involved in the emergency will stay off the air until the situation has been resolved.
- B. When an "officer needs assistance" call is received, Communications will make a general broadcast to all units and assign two units and a supervisor.

## **IX. MONITORING RADIO CHANNELS**

- A. Field units will continuously monitor their primary channel.
- B. Investigative, support, and special unit personnel will monitor the patrol channel when they are in the field.
- C. Supervisors may monitor additional frequencies; however, they will remain available on their primary channel.

## **X. RESPONSIBILITY OF SUPERVISORS**

- A. Supervisors will carefully monitor and supervise the use of the radio to assist their officers as needed.
- B. Supervisors are responsible for the radio conduct of their subordinates and should immediately correct improper radio procedures.
- C. Supervisors may be assigned calls when other units are not available.
- D. Supervisors will respond to any call from subordinates and proceed to a scene when requested.

## **XI. MDT/MDC COMPUTER USAGE**

- A. The Mobile Data Terminal/Computer (MDT/MDC) is a part of the radio system using frequencies licensed by the FCC. Rules concerning proper radio procedures also apply to use of the MDT. Rules for MDT messages include the following:
  - 1. They will not be personal in nature.
  - 2. They will not contain derogatory references to other persons or agencies.
  - 3. They will not contain any text that a reasonable person would find offensive.
- B. Because messages sent with the CAD/MDT system slow the system response time, only concise, work-related messages may be transmitted. Personnel are urged to use abbreviations to help keep the messages brief.
- C. There is NO EXPECTATION OF PRIVACY concerning sending or receiving messages via the CAD/MDT system.
- D. Except in emergency situations or in single-key response to dispatched calls or enquiries, the driver of the vehicle will not utilize the MDT/MDC keyboard while the vehicle is in motion. Drivers will stop at a safe location before utilizing the keyboard.

## **XII. CALL HISTORY**

- A. A report containing the following information will be created and maintained regarding each request for police services (call for service) and for officer-initiated activity:
  - 1. Case or service number;
  - 2. Date and time of request;
  - 3. Name and address of complainant, if possible;
  - 4. Type of incident reported;
  - 5. Location of incident reported;
  - 6. Identification of officer(s) assigned as primary and backup;
  - 7. Time of dispatch;

8. Time of officer arrival;
9. Time of officer return to service;
10. Disposition or status of reported incident.

### **XIII. RADIO UNIT DESIGNATIONS**

#### **A. Field Units**

1. Patrol units shall be identified by a three-digit number.

- #### **B. Investigative and support units (investigations, detectives, etc.)**
- designations are also identified by a three-digit number.

### **XIV. ASSIGNMENTS OF CALLS FOR SERVICE**

#### **A. Call Priority**

1. The Communications center maintains a listing of the types of calls by priority. Priority 1 calls are those that require an immediate response to prevent injury or loss of life. Some Priority 1 calls are dispatched as emergency calls with a Code 3 response. Other calls are classified as Priority 2, 3, and 4 depending on the nature of the call and which ones should be handled first.
2. The Chief of Police shall establish the call-priority list.

#### **B. Assignment of Priority Calls**

1. Units Available/Units Not Available
  - a. Calls for service shall be assigned to the in-service officer responsible for the area in which the call is located. When area officers are not available, the nearest area officer will be selected. Officer safety and call priority will be the primary considerations when selecting alternate area officers.
  - b. Supervisors will monitor dispatching of Priority 1 calls and ensure that officers are immediately available or will quickly become available to respond.
2. Backup Units
  - a. Backups are assigned to ensure officer safety, to help secure crime scenes, and to check the area for suspects. Most calls categorized as Priority 1 will require a backup. The decision to send a backup on a Priority 2 call is decided on a call-by-call basis. However, supervisors or on-scene officers may authorize the response of additional units if they feel backup is needed.
3. General broadcasts can be used for DWI's, auto theft information, warrant information, missing persons, serious weather, and to alert officers of a pending call.

- #### **C. In responding to victim/witness calls for information or service, Communications Center personnel will determine whether an emergency or non-emergency response is required and inform the victim/witness of the department's response.**

- D. Communications radio and telephone conversations recordings will be maintained for 90 days. They are digitally recorded and secured. Reviewing recorded conversations will be conducted:
  - 1. For quality assurance for EMD protocol.
  - 2. Medical calls shall be randomly reviewed.
  - 3. Upon requests by internal and external sources or personnel, such as the office of the District Attorney, department investigators, Internal Affairs, etc.
  - 4. To randomly monitor staff for training purposes.
- E. Death messages, messages from other criminal justice agencies, and “check welfare” calls will each be entered as a call for service that requires officer response.
- F. To improve the use of patrol time, the desk officer will take calls for service that can be handled over the telephone. This does not preclude patrol officers from responding to this type of call for service.

## **XV. COMMUNICATION OFFICER TRAINING**

- A. TCIC and NCIC Operations
  - 1. The Communications Center has access to TCIC and NCIC systems.
  - 2. All Dispatchers will be trained in TCIC/NCIC Full Access and will comply with all rules and regulations regarding operation of the systems.
- B. Communications officers are required to take the TCOLE Basic Telecommunications Officer Course, and they shall also receive full training in the following:
  - 1. Operations of the computer aided dispatch system
  - 2. City and departmental policies

## **XVI. WARRANT MAINTENANCE**

- A. The department maintains the original of all traffic and criminal warrants originating from our department.
- B. The department will comply with all TCIC/NCIC requirements for warrant maintenance, entry, removal, and auditing.
- C. All warrants are maintained in the file cabinet marked “Warrants” in alphabetical order of the wanted person, last name first. Class C city and traffic warrants are maintained separately from Class B and above warrants.
- D. New Warrant Entry
  - 1. New warrants shall be directed to the communications supervisor, who shall inspect the warrant for validity on its face and enter the warrant into the appropriate computer system.



The date, time, and initials of the person entering the data into TCIC/NCIC will be placed on the back of the warrant and the warrant will be filed in the proper warrant file.

2. Only members of the Communications Division are allowed access to the warrant file.

#### E. Confirmation of Warrants

1. When an officer of this agency or any other agency requests a warrant confirmation, the Communications Officer will attempt to locate the original warrant in the warrant file.
2. If the original warrant is located, the Communications Officer shall confirm the presence of the warrant and provide any identifying information, such as description, driver's license number, or other identifying numbers that will help to ensure that the proper person has been stopped.
3. If the officer states that it is the correct person and that an arrest has been made, the Communications Officer will provide the warrant number, date of warrant, charge, amount of bond, and their name.
4. If the officer is from this agency, the officer will pick up the original of the warrant before delivering the prisoner to the jail. If the officer is from another jurisdiction, the Communications Officer will teletype the warrant information to the appropriate location and place the original warrant on the communications supervisor's desk for pick up by detectives.
5. Communications Officers will not confirm a warrant without physically locating the original of the warrant.

#### F. Removal of Warrants

1. After a warrant has been confirmed and an officer has arrested the individual, the Communications Officer will make a copy of the warrant before it is picked up by the officer. The Communications Officer will remove the warrant from the TCIC/NCIC computer file, note the time and date of the removal, put his/her initials on the front of the copy, and place the copy on the communications supervisor's desk.
2. The communications supervisor will run a computer check to ensure the warrant has been removed from the respective files.
3. Original warrants that have been served by other jurisdictions shall be sent back to the originating officer for delivery to the appropriate court.


#### G. File Audits

1. To ensure the integrity of the warrant file, the communications supervisor will conduct audits as required by TCIC/NCIC.
2. The communications supervisor will also conduct an audit every year of all warrants in the file to ensure they are still valid.
3. Traffic and Class C warrants that have not been served within five years will be returned to the court for disposition.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 10.1 Holding Facility Operations</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b> TBP: 10.01, 10.05, 10.06, 10.07, 10.08, 10.09, 10.10, 10.11, 10.12, 10.13, 10.14, 10.15, 10.16, 10.17, 10.18, 10.19, 10.20, 10.21, and 10.22.	

## I. POLICY

It is the policy of this law enforcement agency to provide secure temporary holding cells detainees and to maintain these facilities in a sanitary and safe manner. These prisoners are ones awaiting interrogation, the arrest process, transfer to the county jail, or any other administrative procedure. Normal operations will limit a detainee's stay to less than (24hrs?) if he/she is to be filed on in county or district court.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 10.1 Prisoner Processing</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: center;">Chief of Police</div>	
	<b>Reference:</b> TBP: 10.10, 10.12, 10.14, 10.15, and 10.22.	

**I. POLICY**

This department does not maintain or operate a holding facility. All persons taken into custody are taken to the El Paso County Detention Facility. The policy of this department is to process prisoners without delay and safely transport them to the county jail as soon as possible.

**II. PURPOSE**

The purpose of this policy is to provide operational procedures for transport of prisoners to and from the county jail.

**III. GENERAL ISSUES**

A. Supervision

1. The sheriff is responsible for the operational policies and supervision of the county jail.
2. Members of this agency will conform to the county’s requirements when processing prisoners for holding in the county’s facility.
3. 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

1. Access to the county jail is limited to authorized sworn personnel.
2. 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 police facility, or to the county juvenile detention facility.)

**IV. FACILITY SECURITY**

#### A. Firearms and Weapons

1. No firearms or other weapons are allowed in the jail area.  
(Officers shall secure weapons in an appropriate lock box or in the officer's vehicle trunk prior to entering the facility.)
2. Weapons that are not part of an investigation but are the prisoner's property will be placed in the property room for safekeeping.

### V. PRISONER PROCESSING

#### A. Prisoner Control and Security

1. All arrested persons are thoroughly searched for weapons and contraband at the scene of the arrest prior to being placed in a police vehicle.
2. Any contraband located on the arrested person is considered evidence, seized, and properly secured as evidence.
3. Any property removed from a suspect shall be secured by the arresting officer and released to the custody of the county when the individual is booked into the jail.
4. Persons arrested by this agency may be transported to the department facility for paperwork processing prior to transport to the county jail.
5. At no time will any person arrested or detained be left alone while in custody, including the police vehicle or the department facility.
6. Persons to be detained in the county jail are escorted into the facility through the sallyport.
7. Upon arrival at the facility, arrested persons are placed immediately into a temporary holding cell.
8. No person is kept in the temporary holding cell without supervision in excess of one hour.
9. All booking activity -- including interviews, fingerprinting, photographing, and similar actions -- is conducted while the arrested person remains in the temporary holding cell.
10. Officers will take extra precautions to ensure that all items taken from a prisoner in the field are turned over to the county for safekeeping. (The property is returned to its owner at the appropriate time.)
11. Officers who develop information during an arrest -- through observation or self-profession by the arrestee -- that the individual may be suicidal, is homosexual, transgender, intersexual, or gender nonconforming will make sure that holding facility staff is informed of the situation in a manner that does not embarrass or endanger the arrestee.

#### B. Juvenile Detentions

1. Children who are detained and transported to the police building will be held only in the area designated as the juvenile processing office.
2. Under no circumstances will a child in custody be left unsupervised.
3. All children held at the police facility will remain out of sight and sound of adult prisoners.

4. A child who is being held for a status offense is not to be detained in a secured area or any locked room.
5. Status offenders are held in a non-secured area, out of sight and sound of adult prisoners.

#### C. Strip Searches

1. Strip searches may be requested when officers have reasonable cause to believe the prisoner(s) may be concealing a weapon, drug, or other contraband.
2. Strip searches are never performed in the field.
3. A strip search may not be performed until it has been approved by a department supervisor and a county supervisor.
4. A strip search must be performed with the assistance of county personnel in the county jail.
5. Strip searches are conducted in the manner prescribed by county procedures.
6. Strip searches are documented in the officer's arrest report, which will detail the officer's justification for such a search, the approving supervisor's name, the location where the each took place, the names of all persons present during the search, and the results of the search. A copy of the report is forwarded to the Chief of Police for review and filing.

#### D. Body Cavity Searches

1. Body cavity searches are never performed in the field and, if requested and approved, are conducted only by competent medical personnel in compliance with county procedures.
2. If an officer has reasonable cause to believe a body cavity search is needed to detect weapons, drugs, or other contraband, the following procedures apply:
  - a. The on-duty or on-call police supervisor is notified.
  - b. A search warrant is secured.
  - c. The detainee is transported to an appropriate medical facility.
  - d. The search is conducted by the on-duty emergency room physician while officers stand by to take control of any evidence and provide security to the physician conducting the search.
  - e. Body cavity searches are documented in the officer's arrest report and will detail the officer's justification for such search, the approving supervisor's name, the identity and the location of the facility where the search took place, the names of all persons present during the search, and the results of the search.
  - f. A copy of the report and of the warrant are forwarded to the Chief of Police for review and filing.

#### 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 either EMS personnel or medical personnel before transport to the county jail.

2. If the severity of medical conditions is unclear or if a prisoner requests medical attention, he/she shall be transported as soon as possible to a medical facility for evaluation.
3. If available, the arresting officer shall be responsible for transporting the prisoner to the designated medical facility and for the security of the prisoner while at a designated medical care facility.

#### F. Fingerprints and Photographs

1. Individuals being charged with a class B misdemeanor or above require the state issued CJIS card and any supplemental cards as required.
2. Those individuals being charged with a felony also require both a CJIS card and an FBI card.
3. Fingerprinting is not required for those being charged with a class C misdemeanor; however, fingerprints may be taken if, in the opinion of the booking officer, they would be useful in fully identifying the arrested person.
4. All adult individuals detained will have a booking photo made.

#### G. Arrest Reports

1. Using the computerized offense-and-arrest-report system, the arresting officer will complete an arrest report for every individual detained.
2. Arrest reports must contain information about the offense and the probable cause to believe the person committed the offense or a reference to an offense report where such information is provided.
3. All arrest reports and related offense reports will be completed by the arresting officer prior to end of shift and copies provided to county jail personnel.
4. If county jail supervisors do not believe there is sufficient probable cause to hold an individual, the on-duty or on-call supervisor should be contacted.

#### H. Receiving Prisoners from Other Agencies

1. Prior to accepting prisoners from other agencies, the receiving officer must have the following:
  - a. Positive identification of the detainee.
  - b. Positive identification of the officer delivering the prisoner.
  - c. Telephonic or written confirmation of the reason for the incarceration, such as a copy of an offense report, an arrest report, a warrant and bond information if any.
  - d. Assurance that an offense has occurred and that authority for arrest exists.

#### I. Transportation of Prisoner to Other Agencies and Receiving Prisoners from the County

1. Officers transporting prisoners to another agency are responsible for the following:
  - a. Complying with the other agency's rules, which include putting all weapons in a lock box or securing them in the trunk of the officer's vehicle.
  - b. Keeping the prisoner in handcuffs until the other agency accepts custody.

- c. Providing the receiving agency with all necessary paperwork and the prisoner's property.
2. Officers picking up prisoners from the county will inquire about any physical or mental problems the prisoner may have.
3. An officer who picks up a prisoner from the county will see that the prisoner signs for his/her property.
4. The transporting officer will receive the prisoner's property for safekeeping.


## **VI. PRISONER RIGHTS**

### **A. Access to Consul**

1. Detainees are asked their citizenship. Detainees who are not U.S citizens are asked by the arresting officer if they wish their consul to be notified. If so, the Consul is notified with information taken from the list of Consuls maintained by the agency.
2. Notification or refusal is noted in the arrest report.

### **B. DWI Blood Tests**

1. Suspects arrested for DWI have the right to request a blood test by a physician of their choice within two hours after their arrest per TRC 724.019.
2. The individual making such a request should be allowed access to a telephone for this purpose as soon as possible.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 11.1 Municipal Court Operations</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: right; margin-right: 100px;">Chief of Police</div>	
	<b>Reference:</b> TBP: 11.01, 11.02, and 11.03.	

**I. POLICY**

Proper security and decorum in the municipal court are necessary for the 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 decorum must be maintained. The department provides officers to serve as bailiffs for the municipal court to ensure the security of the court and the protection of court personnel and visitors. The municipal court has jurisdiction only over Class C misdemeanor offenses. The majority of business conducted relates to traffic offenses.

**II. PURPOSE**

The purpose of this policy is to establish guidelines and procedures for the decorum and security of the municipal court.

**III. ORGANIZATION AND STAFFING**

- A. When the municipal court is in session, the police department is responsible for its security. The department is also responsible for emergency operation plans for incidents that might occur in the court.
- B. An officer is assigned as bailiff when the court is in session. The on-duty supervisor will ensure that the bailiff reports for court sessions as required. Only an officer who has been trained in bailiff operations and in this policy should serve as bailiff.

**IV. OPERATIONS**

- A. The assigned bailiff, who must attend all sessions of the court unless dismissed by the judge, has the following duties:
  1. To see that all defendants, witnesses, and observers are seated prior to the entrance of the officers of the court.
  2. To explain court procedures to defendants and witnesses, and to answer questions before each session of court.



3. To perform opening ceremonies of the court and announce the judge.
  4. To enforce the rules of the court (posted at the entrance of each courtroom) and preserve order and decorum while the court is in session.
  5. To maintain proper procedures during jury trials, maintain the security of the jury room, and see to the needs of jurors and witnesses.
- B. During judiciary proceedings, the assigned bailiff may be directed by the presiding judge to place an individual under arrest. Whether or not to use physical restraints for such arrests is at the discretion and direction of the presiding judge.
- C. High-risk persons brought to the courtroom may be restrained as directed by the judge. The bailiff carries handcuffs during court sessions. Waist chains and leg irons are available in the bailiff's office.
- D. The bailiff also ensures the security of the court operations by the following:
1. Conducting daily inspections of the duress alarms prior to the time court convenes.
  2. Conducting daily inspections of the fire equipment.
  3. Conducting a physical inspection of the courtrooms prior to each session and after the last session of each day.
  4. Securing the courtrooms when the courts are not in session.
  5. Being familiar with the daily schedules of each judge in case special security is warranted.
  6. Making a walk-through of the building and assisting with the security of the court clerk's office areas.
- E. The municipal court judge has indicated that only sworn law enforcement officers may be armed in the courtroom. Any other persons wishing to carry weapons in the courtroom must obtain express permission of the judge.

## **V. COURT SECURITY PLAN**

### **A. Facilities and equipment**

1. The municipal court judge and court clerk have access to a telephone located in the courtroom.
  2. The bailiff is equipped with a portable police radio.
  3. A magnetometer may be obtained from the holding facility in the event its use is anticipated.
  4. The bailiff has access to a flashlight in case of a power failure.
  5. A duress alarm is installed at the judge's bench.
  6. Fire extinguishers and flashlights are maintained in each courtroom, the court clerk's area, and the building lobby.
- B. Pre-session inspection. The bailiff arrives 30 minutes before the court convenes and determines that:

1. The courtroom is free of weapons and contraband;
2. The duress alarms and telephones are in working order;
3. Restraining devices are present and concealed;
4. Emergency doors in the courtroom are free of obstructions;
5. Lighting is adequate and emergency lights can be activated in the event of a power failure;
6. All public entrances are open and free of obstructions; and
7. All communications equipment is in working order.

#### C. Courtroom operations

1. Judges enter and exit the courtroom through the entrance behind the bench.
2. The public enters and exits the courtrooms only through the main doors leading into the gallery.
3. Prisoners are brought into or taken out of the courtrooms only after all persons present are seated, or when the courtroom is empty.
4. The bailiff remains in the courtroom at all times unless otherwise directed by the judge.
5. Bailiffs and peace officers are the only persons authorized to carry weapons in the courtroom. If the bailiff believes a person may be carrying a weapon, a search may be conducted. A person who refuses a search in this manner must leave the courtroom. During particular trials, or during periods of security concerns, the judge may request that all persons entering the courtroom be searched for weapons.
6. Contraband taken into the courtroom for evidence purposes remains in the possession of the testifying officer unless otherwise directed by the judge.
7. At the discretion of the presiding judge, or at the discretion of the bailiff, briefcases and purses may be searched.

#### D. Unusual occurrences


1. In the event of an unusual occurrence, the bailiff or ranking police officer assumes control and requests additional police, fire, or medical assistance as the circumstances require.
2. Medical emergencies in the courtroom
  - a. A first-aid kit is kept in the judge's office and in the bailiff's office.
  - b. All requests for medical assistance or additional security are called in to 9-1-1 or to the dispatch center.
  - c. In the event of a medical emergency, the judge orders all proceedings stopped.
  - d. If the medical emergency involves a person who is in custody, the bailiff maintains security and requests medical assistance and additional police officers.
  - e. If the medical emergency involves a court participant or spectator, the bailiff maintains security of any prisoners that are present and provides any assistance possible. The bailiff contacts the SPD dispatch center via radio (or most appropriate available means) and requests the proper assistance.
  - f. If other police officers are present, the ranking officer assumes control and directs the actions of the bailiff, responding officers, and other personnel.

- g. The City of Socorro's fire department ambulance service or first responders provide emergency medical service.
  - h. The bailiff is responsible for all police reports necessitated by a medical emergency.
- 3. Fire evacuation plan
  - a. Before the court convenes, 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.
  - 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 or exit.
  - d. All calls for fire emergencies are made to 9-1-1 or directly to the DPS dispatch center.
  - e. A fire evacuation chart is posted at the rear of the courtroom near the exit. (
- 4. Bomb threats
  - a. In the event of a bomb threat, the bailiff notifies police dispatch immediately.
  - b. The bailiff evacuates the court.
  - c. The bailiff ensures that the court administrator is notified of the situation.
- 5. Hostage Situations
  - a. The judge or court staff notifies the bailiff or police dispatch and if possible immediately evacuates the area.
  - b. The bailiff notifies police dispatch, attempts to isolate the actor(s), and, if possible, directs others to immediately evacuate the area.
  - c. Field personnel are dispatched to establish and secure a perimeter until arrival of tactical personnel.
- 6. High-risk trials
  - a. Persons in custody are not normally brought to the Court Building, and trial defendants are not in police custody; however, 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.
  - b. 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.
- 7. Prisoner handling
  - a. A prisoner being moved from the holding facility to the courtroom is taken through the rear courtroom entrance near the judge's bench. Normal foot traffic is halted until the prisoner is in the courtroom.
  - b. All adult prisoners are restrained during the movement to and from the courtroom. For short distances, detainees are handcuffed with hands behind the back until seated in the courtroom. Juveniles are not normally handcuffed unless they present a high risk of injury or extreme aggression.
  - c. Handicapped persons may be restrained as appropriate to the circumstances.
  - d. Once the person is in the courtroom, the bailiff removes the restraints before the jury enters.
  - e. The bailiff replaces the restraints after the jury departs.
  - f. The bailiff maintains a set of handcuffs on his/her person. The courtroom security kit also contains several spare sets of flex cuffs and handcuffs.

- g. Should the prisoner need to be removed from the courtroom, movement is made through the rear entrance near the judge's bench.
- h. The bailiff returns prisoners to the holding facility if their removal is for an extended time.
- i. All prisoners are searched prior to their court appearance and upon their return to the holding facility.

## **VI. ANNUAL REVIEW OF COURT OPERATIONS**

- A. An assigned bailiff and the court administrator conduct an annual security inspection of the municipal court facilities. If a structural change in the building occurs, an additional inspection is required. The inspection includes, but is not limited to, the existence, adequacy, and working condition of alarms, communications equipment, fire extinguishers, medical emergency items, emergency light sources, exterior lighting, emergency exits, and the emergency evacuation plan.
- B. The assigned bailiff and court administrator also review the fire evacuation and other emergency operations plans with all court employees.
- C. A copy of the inspection report and description of the training is forwarded to the municipal court judge and the Chief of Police.

	<b>SOCORRO POLICE DEPARTMENT</b>	
	<b>Policy 12.1 Property and Evidence Management</b>	
	<b>Effective Date:</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: center;">Chief of Police</div>	
	<b>Reference:</b> TBP: 12.01, 12.03, 12.04, 12.05, 12.06, 12.07, and 12.08.	

**I. POLICY**

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. The purpose of property and evidence management is to maintain those property items coming into the possession of the department in such a manner as to secure them from theft, loss, or contamination, and to maintain them for easy retrieval as needed.

**II. PURPOSE**

The purpose of this policy is to establish property room procedures that will protect the integrity of the property and management system.

**III. ORGANIZATION AND ACCOUNTABILITY**

- A. The Chief of Police will appoint a primary and an alternate property custodian. The property custodian is responsible for maintaining security and control of property and evidence that the department acquires through normal duties and responsibilities. The alternate serves as backup when the assigned property custodian is unavailable.
- B. The property custodian reports to the Detective supervisor, who is accountable directly to the Chief of Police or his designee.
- C. The property custodian shall satisfactorily complete a TCOLE approved basic course on the management of the property function, on-the-job training, and other related training courses, seminars and/or conferences as appropriate.
- D. Duties Responsibilities

1. The primary duty of the property custodian is to log, classify, store, dispense, destroy, and release property and evidence to its rightful owner, for court presentation and/or for destruction or auction. Additional duties include but are not limited to the following:

Maintain property reports and other documentation associated with the “chain of custody” for all property.

- 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. Ensure the timely and legally correct notification of owners and release/disposal of property recovered, found, or seized by the Police Services.
- c. Operate computer terminals to access information regarding case dispositions and other related information involving the classification and proper disposition of property/evidence.
- d. Coordinate the disposal of unclaimed and/or surplus property and the special disposal of narcotics, weapons, explosives, and hazardous materials pursuant to law.
- e. Release of property for court, auction, disposal, or person legally entitled to the item.
- f. Provide in-service training to department personnel regarding the appropriate logging, packaging, documenting, and storage of property and evidence.
- g. Provide effective liaison between the department and local, county, state, and federal law enforcement agencies.
- h. Represent the department while attending state and local associations involved with the management of property and evidence.
- i. Stay abreast of local, state, and federal law involving property and evidence handling. Recommend and facilitate appropriate changes.
- j. Maintain a clean and orderly property storage facility.

#### **IV. FACILITIES SECURITY**

##### **A. Access**

1. The property room is maintained as a secure location. Access to the property room and all other temporary or long-term property storage areas is restricted to the property custodian and the alternate property custodian. All other persons entering the property room will sign in and out on the property room entry log.
2. Other department personnel do not enter property storage areas unless escorted by a property custodian. Except for the property custodians, all Department personnel, visitors, contractors, etc., who enter the property room must sign in and out on the visitor’s log, and the date, duration and purpose of the visit must be noted.
3. Property or evidence is removed from its storage location only by the property custodian or the authorized designee.
4. The doors, gates, or other closure devices to any storage area are secured whenever the property custodian or other authorized personnel is not on the premises.

##### **B. Key Control**

1. Two keys are required to open the main property room doors. The property custodian and alternate are the only individuals with both keys.

2. The keys to all other property storage facilities are kept in the key box located inside the main property room. Both the duplication of keys and the unauthorized possession of keys to secured property storage areas are strictly prohibited.
3. A complete set of other storage facility keys, safe combinations, alarm codes, etc., are in a sealed property envelope, initialed and dated by the property custodian and Investigations Supervisor. That envelope stays in the Police Chief's safe as a backup for property room personnel. Inspection of this envelope is part of all property room audits and inventories.
4. Property room personnel may not relinquish property room keys, combinations, or alarm codes to anyone other than authorized personnel.
5. When property custodians leave their assignment, the Chief of Police ensures that all locks, combinations, and codes are changed.
6. 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 has an internal audible alarm system monitored by police dispatch. Only authorized personnel have access codes. (Codes change as required.)
2. Authorized personnel entering the main property room deactivate the alarm and keep it deactivated during normal business hours and when they occupy the room for any reason.
3. The alarm system is activated when the property room is closed, during non-business hours, or whenever the property room is unattended.
4. The property custodian tests the alarm system at least once a month to ensure it is functioning.
5. Firearms are stored separately 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 are stored separately from other property in the property room and secured in a safe. That safe remains locked at all times unless property is being stored, removed, or inventoried.
7. Money is stored separately 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 that 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 the 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 AND RECEIPT OF PROPERTY**

### **A. Documentation of Property**

The police employee accepting property writes a report with the following components: (1) a description of the item (2) pertinent details of how the item came into the employee's possession and (3) complete information about the person who found the property, or the person from whom it was seized or recovered.

### **B. Receipt of Property**

The property custodian provides a receipt to any person from whom property is taken regardless of the classification of that property.

### **C. Computer Inquiry and 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 has been reported stolen or has been entered into the statewide system for any reason.
2. Dispatch verifies all "hits" before the item is confiscated. 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. These 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. This form, submitted with each property container (bag, box, etc.), tracks the movement of the item, including its release.
  - 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 United States coin and currency. Checks, credit cards or other negotiable items do not require the use of a money envelope. The



property custodian does not accept money unless it is packaged and logged appropriately, according to the following procedures:

- i. Itemize money by denomination, listing subtotals and total amounts.
  - ii. All money logged into the property room requires at least two officers or employees to verify the count.
  - iii. All money envelopes must contain at least two signatures verifying the amount listed and enclosed. The entering officer and verifying officer sign their names and numbers to the front of the envelope and seal the envelope with tamper-proof security tape. Both then initial the back of the envelope prior to entering it into the property locker. For accuracy, the officers must conduct two separate counts on large amounts of cash.
  - iv. Extremely large amounts of coin and/or currency seized can be difficult to package in a money envelope, e.g., coins stored in a large piggy bank or bottle, a large amount of bills in a briefcase or satchel. In those rare cases, it is acceptable to log the container and money as 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 also used for foreign currency. Officers will indicate on the outside of the envelope that the envelope contains foreign currency.
- e. Property Receipt Form and Property Release 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 AND 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, if necessary, the district attorney's office 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 that it was released in the field. The Property Release Form will be forwarded to CID for inclusion in the case file.
- B. Property that is seized by the department and not immediately released to the owner will be entered into the computer system and secured in the property room as soon after seizure as possible. Personal lockers, files, or desks are not approved storage for property or evidence items. Officers will log all property and evidence into the property room before the end of their shift.
- C. Maintaining property/evidence in a case file may be acceptable when it is necessary for the proper investigation of the case by the assigned detective; however, the property/evidence must first be

logged into the property system and then signed out. The detective signing out the property /evidence is responsible for the evidence until returning it to the property room. The detective is also responsible for the integrity of the evidence while checked out.

#### D. Marking and Packaging

1. All collected property is marked for identification and packaged to avoid contamination.
2. Permanent and distinctive marks, such as initials, ID numbers, and case numbers, should be marked directly on objects collected (when possible) without damaging the evidence.
3. When unable to mark the exhibit itself (such as in the case of stains, hair, blood, controlled substances, etc.), the officer must place the item in a vial, envelope, box, bag or other suitable package, then seal and mark the container as instructed in item 2 above.
4. Containers and materials for use in packaging physical evidence and other property come in a variety of shapes and sizes. Officers strive to use the size and type container appropriate for the type of property. An assortment of packaging materials and supplies for this packaging are near the book-in counter. The property custodian is responsible for maintaining property packaging and storage supplies.
5. Always package FIREARMS, MONEY AND CONTROLLED SUBSTANCES separately from other property or evidence items. See section C above.
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 all weapons and preservation of their evidentiary value. Weapons are unloaded ONLY after the officer notes the position of the bullets, empty cartridges, safety, bolt, breechblock, hammer, cylinder, magazine, etc.

NOTE: NEVER PLACE A LOADED FIREARM IN AN EVIDENCE STORAGE LOCKER.

Exception: If a weapon cannot be unloaded due to a mechanical defect the officer must attach a warning note to the weapon indicating that it is loaded. The property custodian arranges for the range master (or a qualified designee) to unload the weapon prior to placing it in storage or transporting it to a laboratory. Unfired cartridges may be left in the magazine provided the magazine is removed from the gun.

7. Hazardous Materials / Devices: No unexploded device, or a device that is suspected of being one that might explode, will be transported or stored in or about the police facility. No Class A explosive, such as dynamite, desensitized nitroglycerin, large quantities of fireworks, or more than one pound of black powder will be transported or stored in or about the police facility.
8. Money: All monies will be itemized by denomination and quantity on the approved money form before it is placed in a property locker. See Section C above.
9. Jewelry: Jewelry items will be packaged individually in an appropriate and suitable container such as an envelope, box, or bag.
10. Bicycles: All bicycles or portions thereof retained by police services are placed into the fenced property annex area. Different levels of security for the storage of bicycles may be utilized depending on the property classification of the bicycle (Evidence vs. Found Property).

11. Motor Vehicles: Motor vehicles requiring retention are stored at 241 Old Hueco. Small motorized scooters are stored in the fenced property annex 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) remain in the ignition of the vehicle if mechanically feasible. Otherwise, those keys are logged into evidence.
12. License Plates: License plates are the property of the Department of Public Safety (DPS, or appropriate motor vehicle department) 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 must attempt to return a found license plate to its owner. If that is not feasible, the officer logs the plate into property. The property custodian is then responsible for returning the plate to the owner or DPS.
13. Alcohol: Open containers of alcohol are not logged into the property room. The investigating officer pours out the contents at the scene. The officer then describes the condition of the container and its contents in the police report. Officers avoid booking large quantities of alcoholic beverages into evidence. In rare situations, such as when a sample of the evidence is necessary for prosecution, one unopened container (bottle, can, etc.) is retained, and a photograph of all of the evidence is attached to the report. A video is made of the destruction of the remainder and this video is attached to the report or otherwise submitted per department video submission policy.

## **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 report room. Officers lock the property into one of these lockers and sign the evidence log. Large Enclosure: All bicycles, large items, or parts thereof, are temporarily stored in the large holding cell, locks the item into the enclosure and signs the evidence log.
    - a. Fireworks are not stored, but instead photographed. Officers destroy all confiscated fireworks by drowning and physical destruction in view of a video recording device.

## **IX. PROPERTY ROOM COLLECTION, INVENTORY & STORAGE**

- A. Property Collection
  1. On a daily basis, the property custodian or alternate inspects all temporary storage lockers, bins, and annexes to remove and process all property items.
  2. The property custodian or alternate also completes the following:
    - a. Assigns a bar code label to each property item submitted,
    - b. Makes the appropriate entries into the automated property system,
    - c. Stores each item in the approved locations,
    - d. Arranges for transportation to the laboratory for examination as required, and
    - e. Arranges for destruction, release to owner, auction or other authorized disposition as appropriate.

## B. Property Inventory

1. The property custodian accounts for every item submitted into the property system. This process begins at intake.
  - a. The property custodian or alternate compares items listed on the property forms with those actually found in temporary storage. If any item is missing, the property custodian immediately notifies the on-duty supervisor. The submitting officer and/or the supervisor then corrects the discrepancy.
  - b. If the property custodian cannot find a missing item(s), he/she enters the item into the “Unable to Locate” (UTL) file and notifies the Chief of Police via email, explaining the circumstances surrounding the missing property. The supervisor forwards a copy of the email to the employee’s supervisor. Property connected to the case will not be processed until the missing material is 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, jewelry, or controlled substances if the seal, envelope, packaging, or container has been opened, tampered with, or otherwise improperly submitted.
  - c. The property custodian immediately notifies the on-duty supervisor, who follows up with the submitting officer's supervisor.
  - d. All personnel immediately correct a breach in safety protocol.

## D. Property Storage

The following types of property and evidence are stored separately and according to the listed guidelines. Other miscellaneous types of property may be stored separately as the property custodian determines.

1. Firearms
  - a. The property custodian stores all firearms in containers (boxes) specifically designed for handgun, rifle, and/or shotgun. Exceptions can be made for those weapons, which, due to size or other considerations, are not compatible for storage in such containers.
  - b. The property custodian segregates all firearms from other types of property retained. All firearms, REGARDLESS OF PROPERTY CLASSIFICATION, are stored in the weapons safe inside the property room. The safe remains locked at all times unless property is being stored, removed, inventoried, or inspected. NEVER store ammunition with firearms. All ammunition is stored in the ammunition bin.
2. Controlled Substances

- a. The property custodian segregates all drugs and narcotics from other types of property retained. All controlled substances, REGARDLESS OF PROPERTY CLASSIFICATION, are stored in the narcotics safe inside the property room. The safe remains locked at all times unless property is being stored, removed, inventoried, or inspected.
  - b. Officers count, verify, 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.
3. Money
- a. The property custodian segregates all money from other types of property retained. All money, REGARDLESS OF PROPERTY CLASSIFICATION, is stored in the safe or, if over \$100.00, deposited with the City of Socorro cashier.
  - b. The property custodian deposits money (over \$100) with the City of Socorro cashier either the same or next working day. The property custodian seals the receipt and the Money Form in the original property envelope and returns it to the safe. The property custodian then makes notations in the computer system, showing that the money has been transferred to the cashier.
  - c. The property custodian deposits smaller amounts of money with the City of Socorro cashier when their cumulative total reaches \$100.00.
  - d. Exception: When the money itself is evidence, subject to forfeiture (drugs), or examination, it remains in the safe until the Detective supervisor clears it for deposit.
  - e. The property custodian opens sealed containers only to release the money to its rightful owner or to transfer the money to a financial institution. At least one other police employee is present when opening any money envelope.
  - f. The property custodian secures negotiable stocks, bonds, or bank securities in the safe with other money items. He/she assigns no value to the securities for purposes of showing a recovery value.
4. Homicides
- a. The property custodian stores all items of evidence associated with a given homicide case together, unless that evidence requires storage elsewhere for additional security, safety, or preservation measures.
  - b. Property associated with all homicide cases remain segregated from other types of property retained by the Department.
5. Hazardous Materials
- a. The property custodian transfers and stores all hazardous materials in containers designated for that purpose.
  - b. The property custodian segregates all hazardous materials from other types of property retained. All hazardous materials, REGARDLESS OF PROPERTY CLASSIFICATION, remain stored within a hazardous materials storage container, clearly marked and designed for the storage of these materials.
6. Photographs

- a. The property custodian stores undeveloped film canisters separate from other types of evidence the department retains.
  - b. Upon an investigator's request, the property custodian transports film and negatives to a private vendor for processing.
  - c. The investigator submits a Property Form and enters the prints into evidence. A set of prints remains with other items associated with the case. The investigator may retain a separate set of prints as a working copy during follow-up. After finishing, the investigator forwards the prints 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.

#### E. Computer Entries: Computerized Property System

1. The property custodian enters all incoming property into the computerized property system as soon as possible. Information entered into this system includes the following:
  - 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

#### F. Disposition of Property

1. The property custodian updates the status of all property retained in inventory as necessary.
2. The property custodian retains a complete "hard copy" file on each piece of property as a back up to this computer system. The backup files facilitate regular inspections, audits, and inventories.
3. TCIC / NCIC
  - a. Upon request, dispatch personnel check property items with serial numbers in the TCIC/NCIC system.
  - b. In all cases when 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 the status of the firearm.

## **X. PROPERTY AND 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
- 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 as well as for any property the ownership of which is contested.
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 the incident.
4. Upon the detective 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 detective supervisor signs approval of evidence destruction on no-lead misdemeanor cases after one year from the commission of the offense.
6. The district attorney approves of property disposed of 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 its release is approved by the detective supervisor. The Chief of Police or designee contacts the City of Socorro attorney prior to disposal of property cases where the City of Socorro 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.
  - b. The owner has 90 days to establish ownership and claim the property.
  - c. Exceptions: If sufficient evidence exists to file an asset forfeiture case, funds likely coming from illegal activity are retained. Also, if the owner claiming a firearm is not legally entitled to a weapon under the provisions of the law, or is prohibited from possessing a weapon, the Detective supervisor determines the type of release or destruction of the firearm.
  - d. Pursuant to Code of Criminal Procedure Art. 18.17, any found property having a value of \$500 or more and the owner is unknown will be advertised as "found" in a

newspaper of general circulation prior to forfeiture to the City of Socorro or destruction.

- e. The property custodian processes all unclaimed property for auction, disposal, or transfer for departmental use.
2. Safekeeping
    - a. The property custodian returns property held for safekeeping upon the request of the legal owner or by legal mandate. The property custodian disposes of unclaimed property after 90 days.
    - b. Prior to release of firearms, the property custodian requests a criminal history check on the owner or person who intends to pick up the weapon.
    - c. The Detective 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 the firearm is stolen, an attempt is made to return it 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. Examples include, e.g., glass fragments, or a 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 the time 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 in advance when possible, weekends and holidays excluded.
  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 return all evidence to the property room promptly unless that evidence is held by the court.
  5. Officers repackage or reseal evidence as necessary to ensure the integrity of the item. When evidence is placed in a new evidence bag, the old evidence bag is placed in the new bag along with the evidence, and with the chain- of-custody form 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**

- 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, Detective 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. Property to be destroyed is disposed of in the following ways:
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 the container is disposed of 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. Handguns and assault weapons may be converted to department use (if appropriate and approved through the established legal process) or are destroyed. Hunting rifles and shotguns may be sold at auction. (See section 2, below.)
    - e. Ammunition is disposed of through pre-approved, designated agencies or designated for department use. (See section 2, below.)
    - f. Controlled substances are burned or otherwise disposed of as hazardous waste material. (See section 2 below.)

- g. Hazardous materials are disposed of 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 Socorro general fund, except rare coins or rare paper money that will be sold at public auction.
2. Disposition of Firearms

All firearms will be destroyed unless released to their rightful owner with two exceptions. Firearms that are scheduled for disposal that could be used by the department may be converted to departmental use upon written approval of the City Manager. These weapons will become the property of the department and not individual officers and will be tracked and accounted for on inventories and audits. Weapons of intrinsic collectable value or long guns (not handguns) of sporting value may be auctioned by the City of Socorro during the regular auction process. Only those persons possessing an FFL may bid on the weapons.

Destruction process for firearms is as follows:

- a. The property custodian ensures the recording of the make, model, serial number, and involved case report number in the property management computer system.
  - b. The property custodian destroys firearms authorized for disposal as necessary to conserve space and security of the weapon(s).
  - c. All firearms are inventoried prior to destruction.
  - d. The property custodian updates the new status on all related documents and computer files.
  - e. The property custodian, accompanied by an armed police officer and (if possible) a community volunteer, transports the firearms to a destruction facility. The property custodian, officer, and volunteer witness the destruction of each weapon and sign a certificate certifying the destruction.
  - f. The property custodian retains all written documentation of destruction 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 a receipt for the items and maintains records of the inventory and use of such ammunition.
    - iii. No ammunition of this nature is used for duty purposes.
  - b. Disposal
    - i. The range master has final discretion on the means of ammunition destruction. That officer decides if the ammunition lends itself well to training or other range use.
    - ii. The department employee receiving the ammunition signs the property report. The property report is then forwarded to the property custodian.
4. Destruction of Narcotics/Controlled Substances

- a. The property custodian destroys controlled substances and narcotic paraphernalia after receiving authorization for such disposal.
  - b. If a controlled substance is evidence in a criminal case filed with the district attorney, destruction may not take place until the case is disposed of and authority for disposal is given by the prosecutor assigned to the court. This authorization 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 Detective supervisor conducts a random test of the controlled substances scheduled for destruction in the presence of the property custodian and another observer to ensure its authenticity.
  - g. At least two non-police witnesses examine each item set for destruction. In the event a package shows indications of tampering (other than due to lab analysis), the property custodian pulls the package out of the destruction process and presents it to the Detective 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 Socorro 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 of Socorro or may be auctioned by a private company contracted by the City of Socorro.
2. To avoid conflict of interest, or any appearance of conflict of interest, no employee of the department purchases any item at such auction, either personally or through a third party.

#### **XIV. INSPECTIONS**

For purposes of this manual, an inspection is defined as a brief, informal, usually unannounced review of procedures, records, or facilities to ensure adherence to policy and established protocol.

- A. The Detective supervisor appoints an individual to conduct an inspection of the property room at least every six months and forwards a report of the inspection to the Chief of Police.
- B. The inspection should concentrate on how the policies, procedures, and practices are followed. This inspection should be conducted by a supervisor or another officer not involved in the operation of the property room. The person inspecting the property room should become familiar with property room policies and determine if these policies are being followed. The inspection should include inspection of the security of the property room, the proper use of the sign-in log, the proper and up-to-date processing of property; both intake and disposal, the cleanliness and orderliness of the property room, and any unusual circumstances. The inspection will also require the property custodian to find a minimum of six items randomly selected from the property log by the person inspecting, to include at least one weapon, one drug and one money item.
- C. The Chief of Police or designee may personally conduct frequent unscheduled; unannounced inspections of the property room and property function or assign someone for these inspections, as deemed appropriate. Documentation of these inspections reflects the date and results of that inspection.

#### **XV. PROPERTY INVENTORIES**

- A. It is the policy of police services to receive and safely store evidence, found property and property for safekeeping; and to restore the property to the rightful owner, or otherwise lawfully dispose of the property in a timely fashion. The division uses the inspection and inventory process as a means to ensure the integrity of this policy.
- B. For purposes of this manual, an inventory is defined as a physical inspection and verification of the location of a property item maintained by the division against the agency's records.
  1. A complete inventory is conducted (1) at least once a year, (2) anytime a personnel change is made in the property room, or (3) when requested by the Detective supervisor.
    - a. The detective supervisor will assign an officer not connected to the operation of the property room to assist and observe the inventory. The property custodian will conduct the inventory with the assistance of the assigned individual.
    - b. Every item stored in the property system must be accounted for. All property storage areas, rooms, and sites are included in the inventory process.

- c. All packages, containers, or property tags are inventoried and reconciled with the computer or file system.
    - d. A copy of the inventory report is completed after each inventory and forwarded to the Chief of Police. This report includes any discrepancies and lists any missing items. The detective supervisor makes a determination if an investigation into the loss is warranted.
  - 2. A sampling inventory of individual items stored in the property room at least once a year, anytime a personnel change is made in the property room, or when requested by the detective supervisor.
    - a. The detective supervisor will assign an officer not connected to the operation of the property room to assist and observe the inventory. The property custodian will conduct the inventory with the assistance of the assigned individual.
    - b. Sampling will include the following: A complete inventory of all guns, drugs and money and at least fifty (50) other items located inside the property room. The inventory should be conducted by creating a list of all the guns, drugs, and money that is shown by records to be in the property room, and then locating the items in the property room. The final part of the inventory will be done in two parts. The first part consists of randomly selecting the paperwork for 25 of the 50 items and locating them in the property room. The second part consists of randomly selecting 25 more items in the property room and locating the item paperwork for each item, which tests the record-keeping system.
    - c. A copy of the inventory report is completed after each inventory and forwarded to the Chief of Police. This report includes any discrepancies and lists any missing items. The detective supervisor determines whether an investigation into the loss is warranted.
- C. Whenever a firearm, money, or controlled substances are discovered missing, the detective supervisor is notified immediately and an investigation initiated.

# **Socorro Police Department**

## **Background Investigation Manual**



***Date Adopted***

## ***CONDUCTING THE BACKGROUND INVESTIGATION***

### ***THIS MANUAL PROVIDES A STRUCTURED PROCEDURE TO HELP YOU ACQUIRE, ORGANIZE AND REPORT BACKGROUND INFORMATION ON YOUR POLICE OFFICER APPLICANTS***

A proper background investigation is an objective, fact-finding process that results in an accurate record of a candidate's past conduct and behavior. Your job, if you are a background investigator, is to investigate and report the pertinent aspects of the candidate's background, not evaluate those facts. Your investigation, therefore, should be descriptive, not evaluative.

Your objective is to provide sufficient information so the Police Chief or administrator making the employment decision can judge the significance of a candidate's past conduct in relation to the job requirements.

The background investigator's role can be distinguished from that of a criminal investigator in at least one important way. A criminal investigator is typically oriented toward negative information. Facts that might mitigate the significance of a crime or demonstrate the suspect's personal strengths and abilities are matters to be considered by the defendant's attorney or perhaps his/her probation officer, not the criminal investigator.

A background investigator, however, must consider both negative and positive information. While it is important to investigate all incidents in the background of candidates which may reflect unfavorably upon their ability to perform satisfactorily as police officers, it is equally important to include information on any mitigating circumstances surrounding an incident, which might explain or diminish its significance.

Finally, the rights of the candidate should be safeguarded throughout the process. One of those rights is the right to a fair, careful, and thorough evaluation of his/her candidacy. Another important right is the right of privacy. There is always the potential for conflict between the Department's right to certain information concerning the candidate's background and the candidate's right to privacy. It is the investigator's responsibility to avoid unwarranted invasion of a candidate's privacy while, at the same time, developing the information necessary for a sound judgment as to the candidate's suitability for employment. This responsibility requires (1) that only job-related inquiries be made, and (2) that the information obtained be treated as strictly confidential.

### **THE PERSONAL HISTORY STATEMENT**

The basic document on which your background investigation should be based is the Personal History Statement completed by the applicant. The candidate should be provided with a copy of the Personal History Statement, and given a reasonable length of time to complete and return it. At the same time, candidates should be given a list of the documents which they will be required to provide.

These documents include:

- Copy of the applicant's Social Security card.
- Original certified copy of applicant's birth certificate. (No photo copy)
- Copy of applicant's valid Texas driver license or a copy of another State's driver license. Applicant must possess a valid Texas driver license prior to being offered employment.
- Copy of applicants High School diploma or GED certificate.
- Sealed original certified copy of applicant's college transcript. (No photo copy)
- Photocopy of applicants college diploma.
- Copy of applicant's Peace Officer Certificate from applicant's police academy. (Peace Officer Applicants Only)
- Copy of applicants Texas peace officer license and all training certificates awarded. (Peace Officer Applicants Only)
- Copy of applicant's DD-214 if applicable. Must possess an honorable discharge.
- Original certified copy of applicant's Naturalization papers, if applicable. (No photo copy)
- Copy of current proof of automobile liability insurance.

Where possible, the applicant should be told as early in the selection process as possible, which documents will be required for the background investigation. Also, the applicant should be fingerprinted, and requests for criminal records sent to the appropriate agencies as early as possible, including the FBI.

## **INVESTIGATIVE CONSIDERATIONS**

Throughout the investigation, the investigator should keep in mind the following:

### **1. Confidentiality**

- a. The information given by an applicant in the Personal History Statement, and information obtained by the investigator is private and confidential. At no time during the investigation or thereafter, should any portion of the investigation be revealed to persons other than those who are authorized to evaluate the results.
- b. As a general rule, the information gathered from third persons during the background investigation should not be revealed to the applicant. Only the Chief of Police and those authorized to evaluate the applicant should have access to this information. However, under various circumstances, the applicant may become aware of the contents of the investigation. For example, during the discrepancy interview some information may be disclosed when the applicant is questioned about inconsistencies or contradictions between information given in the Personal History Statement and that obtained during the investigation. During the discrepancy interview, the investigator should avoid revealing the source of any information.
- c. Other situations in which an applicant may have access to background investigation information from third persons would include federal administrative action by the Equal Employment Opportunity Commission, and state and federal court actions. These



administrative agencies and courts may have rules of procedure and evidence which would give the applicant access to information gained during the background investigation.

- d. Medical information: Information gathered during the medical examination is subject to the same confidentiality restrictions as the above information. Medical or mental health information should be referred to the examining physician. All of the information gathered is to be used solely to make a sound judgment as to the applicant's physical and mental ability to perform the job of a law enforcement officer, and no medical information can be collected until after a conditional offer of probationary employment has been made. Medical records must be kept in a separate, restricted access file, or a sealed envelope in the regular file folder, with access only on a need- to-know basis.

## **2. Demeanor of Investigating Officer**

The applicant and all other persons contacted during the course of the investigation may not have had prior personal contact with a law enforcement officer. It is important that they be left with a feeling that courtesy, integrity, and thoroughness are qualities of law enforcement officers in general, and of the law enforcement agency represented by the investigator.

## **3. Discontinuance of Investigation**

If, during the course of the investigation, information is obtained which will positively lead to rejection of the candidate, the investigator should consult with the Chief of Police to determine if the investigation should be discontinued.

## **4. Objectivity**

It is very important that the investigator maintain objectivity throughout the investigation. No personal biases should affect the quality and content of the investigation.

## **5. Evaluation of References**

The investigator should carefully evaluate all relatives, references, acquaintances, and other contact persons to determine their qualifications to speak on various aspects of the applicant's character. Consider: (1) the type of interaction the individual had with the applicant, (2) the duration and recency of that contact, and (3) any relevant education, training, experience, or specialized knowledge the individual may have.

## **BEGINNING THE INVESTIGATION**

To begin the background investigation, the investigator should carefully review the signed, completed Personal History Statement. It is the basic document of the investigation. It should be checked for inconsistencies, conflicting statements, or omissions. It should be checked against the initial application form, and should be checked against all verifying documents. The investigator should note any incomplete items, for discussion with the applicant.

Next, the investigator conducts a preliminary interview with the applicant, reviews the Personal History Statement for completeness and clarity, and discusses any questionable areas. Where the Personal History Statement reveals unusually favorable or unfavorable information, the investigator obtains further details from the applicant.

During the initial phases of the investigation, the investigator assembles the necessary documents to verify the applicant's birth date, fulfillment of the high school education requirement, military service, U. S. citizenship, and possession of a valid Texas driver's license. These documents should be secured from the applicant, copied, and returned to the applicant to ensure that they are not lost or misplaced.

To speed up the process, records that will take some time to obtain should be requested as soon as possible. For example, fingerprint cards should be sent immediately to the Department of Public Safety and to the F.B.I. A request for all previous law enforcement employment should be sent to TCOLE.

## **PREPARING A FOLDER OR A WORK SHEET**

The investigator catalogues the documents which are needed to verify compliance with all requirements, or which are needed to support other facts. The list should include the following:

### **1. Birth Date:**

- a. Any offered documentation to verify date of birth, to facilitate criminal history checks;

### **2. Required Education:**

- a. High school diploma, or
- b. General Educational Development (G.E.D.) certificate, or
- c. Other education and training that is claimed, such as college transcripts

### **3. Valid Texas driver's license**

The names, addresses and telephone numbers of persons to be contacted or personally interviewed are obtained, so that these people can be contacted in a logical sequence. To save time, appointments should be made in advance. The investigator's schedule should be kept flexible to enable him or her to follow leads developed during the investigation.

A separate list of persons or sources of information that require contact by mail is also made. For example, requests must be made by mail to the F.B.I., the Department of Public Safety, TCOLE, courts, and some out-of-town or out-of-state references. Subsequent sections in this manual provide more information on specific information sources which will require mailed inquiries.

## **SECURING NECESSARY FORMS AUTHORIZING RELEASE OF INFORMATION**

Before the investigation begins, the investigator has the applicant sign a form or forms authorizing the release of information. These forms should be completed and signed by the applicant in sufficient quantity to provide at least one for each school, financial and employment source identified in the Personal History Statement.

Special precautions should be taken when soliciting financial information. It is a good idea to require the investigator to present a copy of the release to each source interviewed or questioned, to verify that the investigation is for employment purposes.

For military records information, the applicant must sign the release authorization block of the "Request Pertaining to Military Records" If medical information from a private firm or physician is necessary, an appropriate authorization for release of medical records is needed. However, such information can only be sought after a Conditional Offer of Employment has been made to the applicant..

## **SENDING LETTERS OF INQUIRY AND REQUESTS FOR INFORMATION**

Personal interviews are preferable to mailed inquiries, since more information can be obtained, and the source of information evaluated. When interviews are impractical, sources of information should be contacted by mail. The investigator should determine what letters or requests for information forms must be mailed. Replies should be reviewed by the investigator as soon as they are received, and any questionable areas pursued before the investigation is terminated. People are more likely to comply with your requests if you enclose a self-addressed, stamped envelope.

## **INTERVIEWING**

Suggested interview questions on various topics are provided under the appropriate topic headings throughout this manual. The investigator should try to obtain specific facts to support any general statements given.

Take complete notes of all interviews, in order to ensure accuracy. Quoting or paraphrasing is preferred over subjective conclusions. Be sure to record the name, address, and telephone number of each person interviewed, as well as the date, time and location of the interview.

## **DISCREPANCY INTERVIEW**

Once the background investigation has been completed (or during the course of the investigation), if the investigator becomes aware of inconsistencies or contradictions between information supplied in the Personal History Statement and that obtained during the investigation, he/she should schedule a discrepancy interview with the applicant to resolve the questionable areas. The investigator should not reveal the source of any information obtained during the background investigation.

### **FINAL EVALUATION OF THE APPLICANT**

The background investigator is in the best position to evaluate the applicant's personal characteristics. From the facts gathered, the investigator writes a final report which summarizes all the facts gathered, including a final section which summarizes his/her evaluation of the applicant's qualifications with regard to the job dimensions. The investigator does not make the final hire/no-hire recommendations.

### **NARRATIVE REPORT AND SUMMARY**

The written report should be complete, concise, and in narrative form. All documents and material necessary to verify compliance with departmental and TCOLE requirements should be submitted with the report to the Police Chief or the administrative officer designated to receive, review and evaluate it. Included with the report should be verifying documents, unused signed authorizations, returned forms and letters, the investigator's notes of interviews, and any other pertinent material. The report should be factual. For completeness, all information should be included. This will also facilitate a sound judgment of the applicant's qualifications. Persons interviewed should be either quoted verbatim or paraphrased.

A narrative report and summary will help the investigator to organize and write the final evaluation. Summaries should be included along with the narrative report, to form the basis for the investigator's evaluation. The following areas of inquiry are suggested for the narrative report. They follow the major sections on the Personal History Statement:

- A. Application Identification
- B. Residences
- C. Experience & Employment
- D. Military History
- E. Education
- F. Special Qualifications & Skills
- G. Legal
- H. Motor Vehicle Operation
- I. Relatives
- J. References & Acquaintances
- K. Financial

# ***SAMPLE NARRATIVE REPORT FOR A BACKGROUND INVESTIGATION***

To: Chief/Sheriff

From: Background Investigator

Subject: Background Investigation: Charles T. Candidate

## **PERSONAL**

The applicant Charles T. Candidate resides at 201 State Street, Dallas, Texas 75201. He can be contacted through his home phone, 225-1234, or work telephone, 228-4321. Mr. Candidate was born on July 10, 1952. His social security number is 002-26-8154. Mr. Candidate is 5'11" tall, weighs 160 pounds, has brown hair and blue eyes. He has no scars, tattoos or other distinguishing marks. All of the above facts have been confirmed, and verifying documents are attached.

## **RELATIVES, REFERENCES AND ACQUAINTANCES**

### **Relatives**

All of the listed relatives with the exception of Mr. Candidate's older brother were contacted with no negative information. All stated that they felt Mr. Candidate would make a good peace officer in that he is willing to confront problems, is dependable, and has demonstrated that he is interested in people and has a high degree of interpersonal sensitivity. They also related that there was no question of Mr. Candidate's integrity.

Since Mr. Candidate's older brother, James Candidate, lives on the West Coast, he was not contacted.

### **Prior Spouse**

Contact was made with Mr. Candidate's prior spouse, Lois Little. Mrs. Little related that the reason for the marriage dissolution was because of irreconcilable differences. She went on to state that, in her opinion, Mr. Candidate was immature, and that this has been demonstrated by the way he has "always squandered money." As an example, Mrs. Little stated that Mr. Candidate had difficulty with paying bills on time and would waste what little money they had on fixing his motorcycle. This was the only derogatory information that Mrs. Little provided.

It should be noted that subsequent investigation revealed that Mr. Candidate was married for only six months and the marriage occurred when he was eighteen years of age.

Mr. Candidate's marriage dissolution prior to his current marriage has been verified and copies of the necessary documents are attached.

**Offspring**

Mr. Candidate has no children.

**Persons with Whom the Applicant has Resided**

Contact was made with Bill Smith, Mr. Candidate's roommate during college. Mr. Smith related that he was good friends with Mr. Candidate and that they still see each other occasionally. Mr. Smith stated that he is aware of Mr. Candidate's difficulties with finances, but stated that he never experienced any personal inconveniences because of Mr. Candidate. He stated that, to his knowledge, Mr. Candidate did pay his necessary bills and was always prompt to pay his half of the rent. Mr. Smith stated that, in his opinion, Mr. Candidate would make a good officer and that he is very interested in people and is willing to confront problems. An example of his willingness to confront problems is the fact that Mr. Candidate realized after a short period of time that his marriage was not beneficial to either himself or his prior spouse, and they amicably sought adissolution.

**References and Acquaintances**

All the listed individuals were contacted. None had any negative information to convey.

Mr. Candidate's listed acquaintance, Tom Kaine, provided an additional name of Sara Smothers, 21 Avery Street Fort Worth, Texas 76201. Contact telephone 524-5614.

Ms. Smothers dated Mr. Candidate for a short period of time after Mr. Candidate's divorce. Ms. Smothers related that her relationship with Mr. Candidate was casual, but that he never exhibited any lack of dependability, had good interpersonal sensitivity, and she had no reason to believe that he could not handle his finances.

**EDUCATION****High School**

Mr. Candidate graduated from Concord High School in June, 1970, and this was confirmed by a copy of his high school diploma, which is attached.

Contact was made with Mr. Candidate's counselor, Mr. Fish, who stated that Mr. Candidate had always exhibited good learning ability. Although he never made the honor roll, Mr. Fish believed that he could have, if he had asserted himself. Mr. Candidate has never been suspended or expelled from school.

**Post-Secondary School**

Mr. Candidate attended the University of Texas at Austin for three years from 1971 through 1974. Mr. Candidate's listed advisor was contacted and he stated that he only knew Mr. Candidate briefly, and only discussed Mr. Candidate's educational future with him when he first came to the college in 1971. Mr. Larson, Mr. Candidate's advisor, stated that he knew of no reason why Mr. Candidate would not make a good law enforcement officer.

**RESIDENCES**

### **Neighbors and Landlords**

Mr. Candidate lived with his parents until he was first married. Mr. Candidate and his first wife lived in a large apartment complex at 322 Ocean Street, Arlington, Texas. A neighborhood check proved negative in locating anyone who remembered Mr. Candidate. Records were not maintained and thus no information was available on his reliability in paying the rent.

After his divorce, Mr. Candidate lived with a roommate, Mr. Smith, in an apartment complex at 2100 Howe Avenue, Addison, Texas. A neighborhood check proved negative in locating anyone who recalled Mr. Candidate or his roommate, Mr. Smith. A check with the manager revealed that they did maintain records back to 1971 and that the record revealed that Mr. Candidate and Mr. Smith paid their rent on time every month.

Neighbors where Mr. Candidate and his present wife now reside were contacted. Mr. and Mrs. Jones, who live on the west side of Mr. Candidate, stated that they thought Mr. Candidate and his wife "were a very nice couple." Mr. Jones stated that he thought Mr. Candidate would make a good peace officer and he had nothing derogatory to say about Mr. Candidate. All other neighbors confirmed this assessment.

### **EXPERIENCE AND EMPLOYMENT**

#### **Present and Past Employers and Supervisors**

During a check of Mr. Candidate's employment record, Mr. Knudsen, owner of Knudsen's Chevron Station, was contacted. Mr. Candidate was employed as a service station attendant at Knudsen's Service Station from 1968 through 1971, when he resigned to accept employment with Best Auto Parts while attending college. Mr. Knudsen stated that Mr. Candidate was one of the best employees he had ever had. Mr. Knudsen also stated that Mr. Candidate was dependable, punctual, got along well with fellow employees and was never any trouble. Mr. Knudsen did relate that on one occasion he had to return to the station late in the evening and found Mr. Candidate asleep; however, this was a single incident and was due to the fact that Mr. Candidate had stayed up all night the previous evening studying.

Mr. Candidate's present employer, Mr. Edward Best, related that Mr. Candidate is an excellent employee and he had no negative information to provide.

#### **Present and Past Co-workers:**

Mr. Candidate's past co-workers were available for interview. Mr. Dean Whittier related that Mr. Candidate was a good person to work with and that he had known Mr. Candidate for approximately two and a half years. Mr. Whittier had no negative information and said that he found Mr. Candidate to be very dependable, interested in people, and honest.

Mr. Candidate has never filed any claims for unemployment or workers' compensation. All time was accounted for in his background and he has no extended work absences.

Mr. Candidate has never been fired or asked to resign from employment. He has never been rejected for any other peace officer position.

### **MILITARY**

Mr. Candidate has never served in the military.

### **FINANCIAL**

In reviewing Mr. Candidate's financial statement, it was found that Mr. Candidate handles his finances well and apparently has not overextended himself. A check with the Concord Credit Bureau showed that Mr. Candidate had satisfactory credit and no delinquent payments.

Apparently, whatever difficulties Mr. Candidate had in the past due to financial reasons have been corrected.

Mr. Candidate has never filed bankruptcy, had any bills sent to a collection agency, had any purchased goods repossessed, had his wages attached, or been delinquent in paying taxes or rent payments.

### **LEGAL**

A check with the Dallas, Austin, Fort Worth, and Arlington Police Department, Addison Police Department, and DPS, revealed that Mr. Candidate has never been arrested or convicted of any crime. The only entry in the Dallas Police Department's alpha file is when Mr. Candidate was six years old and fell down in front of his residence and was thought to be the victim of an auto accident. Copies of the returns are attached.

### **MOTOR VEHICLE OPERATION**

#### **Driving Record**

Mr. Candidate's driving record revealed that he received two speeding citations in 1981 and has not received a citation since. Mr. Candidate was involved in one non-injury collision in 1984 and has had no subsequent collisions.

A copy of Mr. Candidate's valid driver's license is attached.

### **GENERAL TOPICS**

#### **Insurance**

Mr. Candidate has never had insurance refused or cancelled.

#### **Other**



Checks revealed that Mr. Candidate has never belonged to any illegal organization and has no record of any substance abuse.

**INVESTIGATOR'S EVALUATION**

After completing the background investigation on Mr. Candidate, it is found that, with the exception of a problem with his dependability and financial obligation for a short period of time when he was first married in 1970, no derogatory information was discovered. It is apparent from Mr. Candidate's background that he is dependable and interested in people. There is nothing in his background that would reflect unfavorably on his credibility as a witness in a court of law, and there is no reason to question his integrity.

Signed,

Background Investigator

## AUTHORIZATION FOR RELEASE OF INFORMATION

I, \_\_\_\_\_, hereby authorize any Investigator or duly accredited representative of the **City of Socorro, Texas**, to obtain any information from schools, residential management agents, employers, criminal justice agencies, or individuals, relating to my activities. This information may include, but is not limited to, academic, residential, achievement, performance, attendance, personal history, disciplinary, arrest, and conviction records. I hereby direct you to release such information upon request of the bearer. I understand that the information released is for official use by the City of Socorro and may be disclosed to such third parties as necessary in the fulfillment of official responsibilities.

I direct you to release such information upon request of the duly accredited representative of any authorized agency regardless of any agreement I may have previously made with you to the contrary.

I hereby release any individual, including record custodians, from any and all liability for damages of whatever kind or nature which may at any time result to me on account of compliance, or any attempts to comply, with this authorization. A copy of this authorization shall be as effective as the original.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

WITNESSETH:

**SOCORRO POLICE DEPARTMENT**  
**Field Identification Form**

Case Number: \_\_\_\_\_

**Read the following to the witness:**

1. You will be advised of the procedures for viewing the field identification.
2. The fact that an individual is being shown to you, should not cause you to believe or guess that the guilty person(s) has been identified or arrested.
3. This *may or may not* be the person who committed the crime.
4. You are in no way obligated to identify anyone. It is as important to clear the innocent as it is to identify the guilty.
5. Regardless of whether you make an identification, the police will continue to investigate this incident.
6. If you recognize anyone, please tell me how you recognize the individual. We are required to ask you to state in your own words, how certain you are of any identification.

I, \_\_\_\_\_ understand the above information.

I understand the need to describe my level of certainty regarding identification and after viewing the person(s) shown have identified them as \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Viewer's Signature: \_\_\_\_\_

Officer's printed name: \_\_\_\_\_

Officer's signature: \_\_\_\_\_

Other persons in attendance during field identification.

Name and Address: \_\_\_\_\_

Name and Address: \_\_\_\_\_

**SOCORRO POLICE DEPARTMENT  
INFORMANT AGREEMENT**

During my association with the Socorro Police Department as an Informant, I, the undersigned, do hereby agree to be bound by the following conditions and procedures while so associated:

1. I agree that I have no police power under the State of Texas or any local governmental subdivision and have no authority to carry a weapon while performing my activity as an Informant.
2. I acknowledge that I am associated with the Socorro Police Department as an Informant on a case or time basis as an independent contractor and that any payment I receive from the Socorro Police Department will not be subject to Federal or State Income Tax Withholding or Social Security. All reporting of income is the responsibility of the Informant.
3. I further acknowledge that as an Informant and independent contractor, I am not entitled to Worker's Compensation or Unemployment Compensation from the State of Texas and I shall not hold El Paso County or the City of Socorro, Texas, liable for any injuries or damage incurred by reason of my association with the Socorro Police Department.
4. I further agree not to divulge to any person, except the investigator with whom I am associated, my status as an Informant for the Socorro Police Department unless required to do so in court and shall not represent myself to others as an employee or representative of the Socorro Police Department.
5. I further agree not to use the Socorro Police Department or any of its officers as credit references or employment references unless prior approval is obtained from the investigator with whom I am associated.
6. I further agree that my association with the Socorro Police Department does not afford me any special privileges. I understand that I can have no personal or social relationship with any officer or member of the Socorro Police Department.
7. I further agree that after making a purchase of anything of evidentiary value, I will contact the investigator with whom I associated as soon as possible for delivery of such evidence to him.
8. I further agree to maintain a strict accounting of all funds provided to me by the Socorro Police Department as part of my activity as an Informant. I understand that misuse of funds could be grounds for criminal prosecution against me.
9. Finally, I agree that violation of any of the above enumerated provisions will be grounds for immediate termination and probable criminal charges.

Dated this \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_.

Informant \_\_\_\_\_

Investigator \_\_\_\_\_

**SWORN POLICE OFFICER**  
**PERFORMANCE EVALUATION**

NAME \_\_\_\_\_  
 DUTY ASSIGNMENT \_\_\_\_\_  
 EVALUATION PERIOD \_\_\_\_\_  
 DATE OF EVALUATION \_\_\_\_\_

**PERFORMANCE RATING INSTRUCTIONS:**

The narrative portion of the evaluation follows the scale ratings. Refer to the rating guide for an explanation of the rated behaviors. Raters may comment on any observed behavior, but specific comments are required to justify ratings of "1," "2," or "5."

<b>Unacceptable</b>		<b>Acceptable</b>		<b>Superior</b>		
1	2	3	4	5	Not Observed	

**PART I: PERFORMANCE TASKS**

(1)	Driving skills (stress conditions)		1	2	3	4	5	N.O. _____
(2)	Driving Skills (non-stress conditions)		1	2	3	4	5	N.O. _____
(3)	Orientation skills		1	2	3	4	5	N.O. _____
(4)	Field performance (stress conditions)		1	2	3	4	5	N.O. _____
(5)	Field performance (non-stress cond.)		1	2	3	4	5	N.O. _____
(6)	Officer safety (general)		1	2	3	4	5	N.O. _____
(7)	Officer safety (with suspicious persons and prisoners)		1	2	3	4	5	N.O. _____
(8)	Control of conflict (voice command)		1	2	3	4	5	N.O. _____
(9)	Control of conflict (physical skill)		1	2	3	4	5	N.O. _____
(10)	Investigative procedures		1	2	3	4	5	N.O. _____
(11)	Report writing (organization/details)		1	2	3	4	5	N.O. _____
(12)	Proper form selection (accuracy and details)		1	2	3	4	5	N.O. _____

	<b>Unacceptable</b>		<b>Acceptable</b>		<b>Superior</b>		<b>Not Observed</b> ____	
	1	2	3	4	5			
(13)	Report writing (grammar/spelling/ neatness)		1	2	3	4	5	N.O. ____
(14)	Report writing (appropriate time used)		1	2	3	4	5	N.O. ____
(15)	Radio (listens and comprehends transmissions)		1	2	3	4	5	N.O. ____
(16)	Radio (articulation of transmissions)		1	2	3	4	5	N.O. ____

### **COMMUNITY POLICING SKILLS**

(17)	Self-initiated activity		1	2	3	4	5	N.O. ____
(18)	Problem-solving/decision-making		1	2	3	4	5	N.O. ____
(19)	Community-policing objectives		1	2	3	4	5	N.O. ____

### **KNOWLEDGE**

(20)	Knowledge of department orders		1	2	3	4	5	N.O. ____
(21)	Knowledge of criminal law		1	2	3	4	5	N.O. ____
(22)	Knowledge of traffic law		1	2	3	4	5	N.O. ____

### **ATTITUDE/RELATIONS**

(23)	Acceptance of feedback		1	2	3	4	5	N.O. ____
(24)	Relationship with citizens		1	2	3	4	5	N.O. ____
(25)	Relationship with co-workers/super.		1	2	3	4	5	N.O. ____
(26)	General demeanor		1	2	3	4	5	N.O. ____

**Unacceptable**                      **Acceptable**                      **Superior**  
1                      2                      3                      4                      5                      **Not Observed** \_\_\_\_

**APPEARANCE**

(27) General appearance                      1                      2                      3                      4                      5                      N.O. \_\_\_\_

**Overall Average Score** \_\_\_\_

**Part II: PRINCIPAL STRENGTHS OBSERVED DURING THE EVALUATION PERIOD:**

**PRINCIPAL WEAKNESSES OBSERVED DURING THE EVALUATION PERIOD:**

**PART III: OFFICER'S OBJECTIVES FOR THE NEXT EVALUATION PERIOD:**

1.

2.

3.

**SUPERVISOR'S EVALUATION OF OFFICER'S PROGRESS TOWARDS OBJECTIVES:**

**Rating Authority** \_\_\_\_\_ **Date** \_\_\_\_\_  
(Print name and sign)

**Officer's Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Chief's Signature** \_\_\_\_\_ **Date** \_\_\_\_\_



**CITY OF SOCORRO**  
**PERFORMANCE APPRAISAL INSTRUMENT**  
**REPORT FORM**

1. Type of Review	New	Regular	Update
2. Review Period	From	To	
3. Employee Name			
4. Employee Title			
5. Department			

**DEFINITION OF RATINGS**

**Superior:**

Performance is consistently and significantly beyond established standards. Achieves performance objectives at a fully outstanding level and demonstrates exceptional skill levels.

**Exceeds Standards:**

Performance is consistently above adequate skill levels. Achieves performance objectives, often beyond expectations.

**Satisfactory Performance:**

Performance consistently meets job requirements. Achieves performance objectives as stated.

**Needs Improvement:**

Performance in one or more skills is less than expected and needs improvement. Direction, supervision and learning are required if performance objectives are to be achieved. If performance improvements are not made by the employee within a specified time period, the employee may be terminated.

**Unsatisfactory:**

Performance in a few skills is substantially weak. Performance objectives are not met even under close supervision. Substantial improvement by the employee is required. Termination may result immediately upon notice of unsatisfactory performance.

**PART I: PERFORMANCE DIMENSIONS**

**1. Written Communications**

S	E	SP	N	U	NA

Supporting Comments:

**2. Oral Communications**

S	E	SP	N	U	NA

Supporting Comments

**3. Interpersonal Skills**

S	E	SP	N	U	NA

Supporting Comments

**4. Planning / Organization**

S	E	SP	N	U	NA

Supporting Comments

**5. Flexibility / Adaptability**

S	E	SP	N	U	NA

Supporting Comments

**6. Problem Solving / Decision Making**

S	E	SP	N	U	NA

Supporting Comments

**7. Initiative**

S	E	SP	N	U	NA

Supporting Comments

**PART I: PERFORMANCE DIMENSIONS (Continued)**

**8. Dependability / Reliability**

S	E	SP	N	U	NA

Supporting Comments

**9. Job Skills and Knowledge**

S	E	SP	N	U	NA

Supporting Comments

**10. Safety**

S	E	SP	N	U	NA

Supporting Comments

**11. Attendance**

S	E	SP	N	U	NA

Supporting Comments

**12. Appearance / Fitness**

S	E	SP	N	U	NA

Supporting Comments

**13. Management Control (Supervisors)**

S	E	SP	N	U	NA

Supporting Comments

**14. Goals and Objectives (Supervisors)**

S	E	SP	N	U	NA

Supporting Comments

PART II: PERFORMANCE OBJECTIVES

**Performance Planning Phase:** The employee and his/her supervisor will develop a list of Performance Objectives to be accomplished during the performance review period. A list of measurement criteria on which the accomplishment of the objective will be evaluated should be noted in the appropriate column.

**Mid-Year:** The employee and his/her supervisor should meet at mid-year to discuss the employee's progress in achieving the objectives for the review period. Appropriate comments should be made in the Mid-Year Review section of the table. Objectives may be revised as necessary for the remainder of the review period.

**Annual Review:** This section should be completed at the end of the performance planning period. The supervisor should complete the Annual Review section and make comments regarding the employee's performance relative to achievement of the Performance Objectives.

Objectives	Measurement Criteria/Standards	Mid-Year Review	Annual Review Rating
1.			
2.			
3.			
4.			
5.			
6.			

**Objectives****Measurement Criteria/Standards****Mid-Year Review****Annual Review Rating**

7.			
8.			
9.			
10.			
11.			
12.			

## **Additional Comments**

Item Number:

Comments:

**PART III: OVERALL PERFORMANCE SUMMARY**

This section indicates the supervisor's conclusions as to the employee's overall level of performance.

<b>Superior</b>	<b>Exceeds Standards</b>	<b>Satisfactory Performance</b>	<b>Needs Improvement</b>	<b>Unsatisfactory</b>

**Actions for Improvement/Development:**

**Rating Supervisor:**

**Date:**

**PART IV: SIGNATURES**

**EMPLOYEE**

I have reviewed this document and discussed the contents with my supervisor. I understand that my signature does not necessarily indicate agreement with the evaluation contained in this document, and that I may attach written comments which will be reviewed by the Chief of Police and included with this form in my personnel file.

Comments:

Employee Signature:

Date:

**Chain of Command Review**

Supervisor:

Date:

Division Commander:

Date:

Department Head:

Date:

# Socorro Police Department

## **Patrol Division**

### Standard Operational Procedures

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- Z. Major Crime Scenes
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# **PATROL STANDARD OPERATING PROCEDURES**

## **I. ORGANIZATION AND ADMINISTRATION**

- A. The Patrol Division is commanded by the Lieutenant who shall have authority to command all assigned personnel directly or through subordinate supervisors. The Lieutenant reports to the Chief of Police.
- B. This Patrol Standard Operating Procedure will be maintained and reviewed by the Patrol Lieutenant. Changes to this SOP will be made by memorandum or email and will remain in effect until incorporated into a newer version. The SOP will be reviewed annually by the Patrol Lieutenant for compliance with current operations and compliance with Texas law.
- C. All changes made in this SOP must be approved in writing by the Chief of Police.

## **II. PERSONNEL ISSUES AND ADMINISTRATIVE REQUIREMENTS**

- A. Reporting for Duty
  - 1. Personnel report to duty at the time and place as assigned and/or scheduled, fully prepared and capable of performing their assigned duties.
  - 2. Personnel beginning a tour of duty make themselves available to undertake their assignments immediately at the start of their tour of duty.
  - 3. Personnel beginning tour of duty review previous shifts' activities, computer messages, memos, information posted, and other similar information media in order that the member is fully informed of necessary and pertinent information.
- B. Court Subpoenas and Appearances
  - 1. Municipal Court requests for appearances will normally be transmitted via interoffice email. Officers will consider these requests or dockets as subpoenas and will attend the requested court session unless otherwise approved by their supervisor. Any inability to meet the requested appearance should be communicated to the Municipal Court as soon as possible by the officer.
  - 2. Any and all subpoenas or requests for appearances from County, District or United States District Courts or the Attorney assigned to these Courts will be forwarded immediately to the Patrol Lieutenant whether received by telephone, fax or subpoena service. The Patrol Lieutenant or designee will log the request or subpoena and notify the officer. Any inability to respond appropriately to the request or subpoena will be communicated to the requesting attorney as soon as possible by the Patrol Lieutenant, or his designee.
- C. Requests for Appearance from County Prosecutors.

1. Officers who receive notice of a Request for Appearance from the El Paso County or District Attorney's Office will consider the request as a subpoena and as a required assignment by this department. Officers are to attend the court as requested at the time and place requested unless notified by the Prosecutor assigned to the case, the Clerk of the Court, or other departmental authority.
2. In case of a notice to disregard, the officer should note the date, time and name of the notifying individual for future reference as needed.

#### D. Alternative to Required Appearance.

Officers who prefer not to attend court unless absolutely required may attempt to utilize the following procedure:

1. Contact the prosecutor assigned to the case prior to the day of the request for appearance.
2. Ask permission of the prosecutor to be placed on "Stand-by" for the appearance.
3. Discuss the details of the case with the prosecutor at that time if possible.
4. Provide the prosecutor with your phone and pager number.
5. Officers who are allowed by the Prosecutor to be on "Stand-by" must be able to respond appropriately dressed within one hour. Failure to respond to a "Stand-by" call may result in the case being dismissed.
6. Officers who are on "Stand-by" are not compensated unless they are called to court and then only for the time in court plus travel time. Officers who are on stand-by will remain on stand-by until 1700 hours unless released earlier by the prosecutor. Officers should understand that some cases will require in person attendance and Stand-by will not be available.

#### E. Meal Breaks

1. No more than three uniformed officers and two marked police vehicles will meet and check out at any eating establishment. The exception to this is:
  - a. When uniformed officers are attending departmental functions. or
  - b. When approved by the officers immediate supervisor.
2. Length of Meal Breaks
  - a. In accordance with FLSA officers are compensated for their authorized meal time and are not guaranteed a meal break. If the officer has an opportunity to take a meal break it should be no longer than 60 minutes.

#### F. Emergency Staffing Contingency

The following schedule is followed in the event of an emergency.

1. Level I Normal Staffing
  - a. CID On-Call available if needed
  - b. Patrol-On Call available if needed
  - c. Normal readiness
  - d. All officers have phones available
  - e. 2 hour response capability if called for service

2. Alert: If an Alert is declared
  - a. All Officers will have a phone available
  - b. Officers are notified to carry full equipment with them
  - c. 1 hour response capability
  - d. No alcohol consumption
  - e. All vehicles are serviced and ready
  
3. Level II Emergency Recall
  - a. Department personnel will be placed on 12 hour shifts
  - b. Shifts will consist of 0600 – 1800 hours and 1800 – 0600 hours
  - c. Each shift will have a Lieutenant in command.
  
4. Emergency Mobilization
  - a. Should emergency mobilization be required all personnel summoned to report to work will report in full uniform to the police department unless otherwise directed. All emergency equipment is stored at that location and will be issued as needed for any operation.

#### G. Patrol Division Uniform

1. Class A “Parade Dress” consists of the following components:
  - a. Long sleeve uniform shirt
  - b. Tie
  - c. Badge
  - d. Name plate
  - e. Service/proficiency/award bars
  - f. Collar insignia (Rank of Lieutenant and higher) or collar pins
  - g. Trousers
  - h. Socks
  - i. Dress shoes/boots
  - j. Leather Belt rig containing ONLY the following equipment
    - i. Inner belt
    - ii. Outer belt
    - iii. Holster
    - iv. Duty weapon
    - v. Double magazine holder with loaded magazines
    - vi. Handcuff case with handcuffs
    - vii. Radio holder with portable radio and shoulder microphone
    - viii. ASP baton and holder
    - ix. Any specialized items established for a specific ceremony or event and as approved by the Chief of Police Services or designee in charge of the ceremony or event.
  - k. In the event of inclement weather
    - i. Rain gear
  
2. ”Class B “Duty Dress” consists of the following components:
  - a. Seasonally approved uniform shirt
  - b. Badge
  - c. Name plate
  - d. Collar Insignia (Rank of Lieutenant and higher) or collar pins
  - e. Dark blue or black T-shirt or turtleneck

- f. Uniform Trousers
  - g. Socks
  - h. Black Shoes/Boots
  - i. Leather gear rig containing only the following equipment
    - i. Inner belt
    - ii. Outer belt
    - iii. Holster
    - iv. Duty Weapon
    - v. Double magazine holder with loaded magazines
    - vi. Handcuff case with handcuffs
    - vii. Radio holder with portable radio and shoulder microphone
    - viii. ASP baton with holder
    - ix. Mini flashlight holder with flashlight (optional)
  - j. Foul weather gear (if needed)
    - i. Wind breaker
    - ii. Rain coat
    - iii. Turtle neck
    - iv. Insulated Gloves if needed
    - v. toboggan
3. Class C “Work/Special Duty Dress” consists of the following components:
    - a. Clothing appropriate for the type of special duty assigned while maintaining a professional representation for the department, unless in an undercover capacity.
  4. The “Class B” uniform is worn daily during the performance of assigned duties by all police members, except those whose duties necessitate more traditional business attire or by members whose duty requires concealing the police identity from immediate sight, such as administrative or investigative assignments.
  5. The “Class B” police uniform is worn by all members during approved, law enforcement related, off duty employment unless the assignment requires the use of plain clothes and is approved by the Chief of Police or his designee.
  6. Each officer ensures that their equipment is kept in a state of repair and readiness
  7. The replacement of the leather gear is the responsibility of the agency.

### **III. ADMINISTRATIVE REQUIREMENTS**

#### **A. Calls for Service**

Members of the Patrol Division shall be responsible to respond to calls for service without delay to prevent injury, protect persons and property, and provide solutions to problems occurring in their respective district assignments.

#### **B. Multiple Officer Calls for Service**

1. Communication Personnel shall dispatch the appropriate number of personnel or units to a specific call in order to accomplish the objective of the call for service.
2. Administrative, investigative and other appropriate departmental personnel not generally assigned to patrol may also be contacted and requested to provide emergency assistance when necessary.
3. Number of Personnel Utilized
  - a. The specific number of personnel necessary to accomplish the objective of a specific call for service varies with the type and scope of the emergency call.
  - b. While some police service calls can be addressed with a single officer, others may take multiple officers. Personnel shall utilize proper judgment in determining the appropriate number of personnel based on the available information and conditions existing at the time, and in accordance with the provisions contained herein.

#### C. Radio Communications

1. The department utilizes a plain English language description of call and activities to ensure clear understanding. 10-codes will not be used in radio communications. The department utilizes a standard phonetics code supplied to each new officer.

#### D. Portable Radio Usage

1. Officers assigned to the Patrol Division are issued portable radios. Officers are to carry the radios on their equipment belt while on duty. Officers may choose to utilize a shoulder microphone.
2. Portable radios will not be turned on in lieu of checking out with communications, when officers are out of their assigned unit. Officers are required to check out with the dispatcher when they are outside of their unit.

#### E. Report Writing

1. Officers are to complete detailed reports indicating the facts and circumstances of their investigation in an Offense Report. Such reports should be concise and factual.
2. Reports are to be completed prior to the end of the officer's tour of duty. If this cannot be accomplished, the officer's immediate supervisor is to be notified, who makes the decision if the completion of the report can be delayed.
3. At no time are reports to be delayed involving in custody arrests.

### **IV. PATROL FIELD TACTICS AND OPERATIONAL PROCEDURES**

#### A. Active Shooter Incident

1. It is the policy of this department to protect life by any legal means possible. Officers responding to an active shooter incident shall accomplish this goal by immediately using any legal means at their disposal to make contact with the active shooter and stop him. This may include arrest, containment, or use of deadly force.
2. The philosophy driving this policy recognizes that the active shooter must be stopped before he can destroy any more innocent lives. This shall be the duty and responsibility of the initial responding officers, and they shall use all legal means to accomplish it. The prioritization of activities, in their order of importance IS:
  - a. Stop the active shooter
  - b. Rescue the victims
  - c. Provide medical assistance
  - d. Preserve the crime scene.
3. While it is important to provide medical treatment to the wounded, it is our duty as law enforcement officers to first protect all innocent life by stopping the actions of the active shooter.
4. An Active Shooter is defined as one or more subjects who participate in a random or systematic shooting spree, demonstrating their intent to continuously harm others. Their overriding object appears to be that of mass murder, rather than other criminal conduct, such as robbery, hostage taking, etc.
  - a. For purposes of this policy, the term "active shooter" will also include anyone who uses any deadly weapon (knife, club, explosives, etc.) to systematically or randomly inflict death or great bodily harm on people.
5. Procedure
  - a. All enforcement personnel who are not on an emergency call shall respond to the scene of an active shooter incident.
  - b. *Contact Team* -The first responding officers, up to four, shall form a contact team and go in immediate pursuit of the active shooter. The focus is to make contact as soon as possible and stop the active shooter by arrest, containment, or use of deadly force. The team will be subject to 360-degree vulnerability and will not do a thorough clearing. They will continue on past victims or harmless distractions. The location of victims may be relayed to the rescue team.
  - c. *Rescue Team* -The second set of 4 officers arriving on the scene will form a rescue team, which will locate and remove injured victims, and direct uninjured victims out of the building. Rescue team members should remember that uninjured victims may nonetheless be in shock, or paralyzed with fear, and not respond to regular verbal commands. Rescue team members are to remain constantly vigilant as the rapidly changing dynamics of the incident may put them in contact with the suspect and they will be subject to 360-degree vulnerability.
  - d. Officers should make entry at a location other than the main entrance, if possible, as this is the place where a suspect might logically set up barricades, explosives, or an ambush.



6. All personnel are to restrict their use of the radio for emergency traffic only.
7. *Incident Command* - The first command officer on the scene, who is not part of a contact or rescue team, will be the incident commander, and will establish a command post, and initiate incident command operations.

#### B. Building Searches

1. The officer in charge will formulate and direct a search plan based on the physical layout of the building.
2. Dispatch will be notified that officers are entering the building. Other officers should limit their radio conversation and officers entering the building should reduce the volume of their portable radios or use an earpiece.
3. Entry is never to be made through small openings or windows unless there is sufficient visual access to the inside of the building to provide cover for the entering officers. Entry normally should not be made by less than two officers.
4. Emergency conditions in which threat to life or property would result from a lack of immediate action on the part of the responding officer would, of course, require only that officer act as quickly and safely as the situation dictates,
5. Officers should locate the lights and illuminate the area to be searched as the search progresses, however avoid "back lighting " themselves.
6. Officers should determine the means by which a suspect may go from one level to another and secure them. The building should be divided into sectors and search methodically, keeping officers abreast of each other. It is not advisable for officers to separate or lose sight of fellow officers.
7. Officers should anticipate ambush points and examine all possible hiding places, i.e., look up, check trash containers, air conditioning vents, etc.
8. Officers should contact the dispatcher and let others know the building is clear as soon as possible.

#### C. Felony Stop Procedures

1. Special procedures shall be used in vehicle stops when the occupants are reasonably believed to be armed and dangerous. When an officer locates a vehicle driven by a known or suspected felon, the officer shall notify the dispatcher immediately of the suspect's location and give a thorough description of the vehicle and its occupants. The officer shall keep the suspect vehicle in view and request sufficient assistance in making the stop.
2. The officer shall keep support units informed of the suspect's location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle shall not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one-officer felony vehicle stop.
3. The following procedures shall be used in effecting the stop:
  - a. The officer shall plan to stop the suspect vehicle in a location which presents minimal danger to the public.

- b. When conditions are appropriate and support units available, the officer shall move into position to the rear of the suspect vehicle.
- c. The officer shall signal the violator to stop, using all emergency equipment to warn other traffic.
- d. The violator shall be stopped on the extreme right side of the road.
- e. If the violator is known to be armed and dangerous, the officer shall have his weapon easily accessible and ready for immediate use.
- f. When the suspect vehicle begins to stop, the officer shall turn off the siren and turn on the public address system.
- g. The officer shall park the patrol vehicle so that it provides maximum protection and cover.
- h. At night, the officer shall focus all lights on the interior of the suspect vehicle.
- i. The officer shall leave the patrol vehicle quickly but remain behind the door and accessible to the public address system microphone.
- j. The officer making the stop is in command and shall direct each occupant on what to do. First, once suspects are stopped, the officer shall order the driver to shut off the motor and drop the keys on the ground outside his door. Next, the officer shall order occupants to place their hands, palms up, on the ceiling of the vehicle. Normally officers shall then order occupants to exit the vehicle on the driver's side only, but circumstances may dictate exiting the occupants on the passenger side, one at a time. Occupants shall then be ordered to lie face down on the ground.
- k. If a public address system is not available, the officer shall give voice commands if they can be heard; if this fails, the officer should consider that the commands have been heard but ignored. Consistent with training, the officer shall consider other options before leaving a position of cover. [Note: The tactics described for high-risk vehicle stops should be consistent with the methods taught in training courses.]
- l. To reduce confusion, the officer shall instruct support officers, as appropriate, and shall be the only officer to direct the suspects.
- m. The support officers shall cover the arresting officer and normally remain on the curb side of the vehicle until all occupants are in the search position.
- n. Officers shall exercise extreme caution not to get within each other's line of fire.

- o. When all occupants have been removed from the vehicle, the support officers shall move to cover the arresting officer while the suspects are searched.
- p. All arrestees shall be searched and handcuffed before transportation.

#### D. Foot Pursuits

1. Although it is an officer's decision to initiate a stop, it is the suspect or violator who decides to precipitate a foot pursuit by fleeing. An officer's decision to pursue on foot shall be made with an awareness of and appreciation for the risk to which the officer and others will be exposed. No officer or supervisor shall be criticized or disciplined for a decision not to engage in a foot pursuit if, in the officer's assessment, the risk exceeds that which is reasonably acceptable.
2. Where necessary, an officer may pursue persons who he or she reasonably believes have committed an act that would warrant a stop, investigative detention, or arrest.
3. In deciding whether or not to initiate a pursuit, an officer shall consider the following alternatives to foot pursuit:
  - a. Containment of the area
  - b. Canine search
  - c. Saturation of the area with patrol personnel
4. In deciding whether to initiate or continue a foot pursuit, officers shall also consider risk factors whenever officers are:
  - a. acting alone,
  - b. in an unfamiliar area,
  - c. in an area that is hostile, such as a notorious drug trafficking location,
  - d. pursuing suspects who are known to be or suspected of being armed,
  - e. unable to obtain backup in a timely manner,
  - f. not in adequate physical condition to conduct a foot pursuit,
  - g. unable to establish and maintain contact with the communications center, or
  - h. pursuing in inclement weather, darkness, or reduced visibility conditions.
5. Officers initiating foot pursuits shall be in field command and shall bear operational responsibility for the foot pursuit unless circumstances dictate otherwise or until relieved by a supervisor. Pursuing officers are reminded that voice transmissions while running and in other field tactical situations may be difficult to understand and may have to be repeated.
6. The officer initiating a foot pursuit shall, as soon as practical, provide the following information to Communications:
  - a. Unit identifier
  - b. Reason for the foot pursuit
  - c. Officer location and direction of pursuit
  - d. Number of suspects and description
  - e. Whether or not the suspect(s) is armed
  - f. Location to which assisting officers are to respond
  - g. Location, if required, of any perimeter

7. Assisting officers shall immediately attempt to contain the pursued suspect. Such officers shall not respond to the primary officer's location unless the suspect has been stopped and the primary officer requests assistance to take the suspect into custody.
8. When two or more officers are in pursuit, they will normally not separate unless they remain in sight of each other and maintain communication, but they shall allow the lead officer to concentrate on the suspect's actions while the second officer provides backup and maintains communications with dispatch and other assisting officers.
9. Unless there are exigent circumstances such as an immediate threat to the safety of other officers or civilians, officers shall not engage in or continue a foot pursuit under the following conditions:
  - a. If the officer believes the danger to pursuing officers or the public outweighs the necessity for immediate apprehension.
  - b. While acting alone. If exigent circumstances warrant, the lone officer shall keep the suspect in sight from a safe distance and coordinating containment.
  - c. Into buildings, structures, confined spaces, or into wooded or otherwise isolated areas without sufficient backup and containment of the area. The primary officer shall stand by, radio his or her location, and await the arrival of officers to establish a containment perimeter. At this point, the incident shall be considered a barricaded or otherwise noncompliant suspect.
  - d. If the officer loses possession of his firearm.
  - e. If the suspect's location is no longer known.
  - f. If primary officers lose communications with EOC or communication with backup officers is interrupted.
  - g. If an officer or third party is injured during the pursuit who requires immediate assistance and there are no other police or medical personnel able to render assistance.
  - h. If the officer loses visual contact with the suspect.
  - i. If the officer is unsure of his or her own location or direction of travel

#### E. In-Progress Calls For Service

1. In progress calls demand three primary considerations. First to ensure the greatest level of safety available to all officers concerned with the call. Second, to contain the scene to prevent the escape of suspects; and third, to preserve the scene for all evidence.
2. The following are general guidelines for the handling of the majority of in progress calls:
  - a. The responding unit should go to the site of the premises where the case is most likely occurring.
  - b. If, possible, officers should position their vehicle short of the scene to avoid showing your presence and position.
  - c. Take appropriate time to size up the situation and formulate a plan, and to advise your cover officer.
  - d. On armed robbery calls, for the safety of the victim and bystanders, arrests can best be affected outside the building.

## F. Adverse Weather Response

1. In the event of severe weather such as a thunderstorms passing through the area with damaging hail, high surface winds, and extremely heavy rain which reduces visibility or endangers personnel or vehicles, all units not on a call will immediately seek shelter at any protected area in your district:
2. In the event of loss of traffic control devices due to a power outage, officers shall monitor the situation for dangerous traffic situations. TXDOT will be contacted for a state highway. For city intersections officers will direct traffic at the intersection only when conditions require.

## V. FIELD PROCEDURES FOR SPECIFIC INCIDENTS

### A. Accident Investigation

1. Members of the Patrol Division respond to reports of all traffic accident resulting in injury or damage if the accident occurred on public property.
2. Private Property Accidents (Restricted Access) Private property accidents may be investigated in the event of substantial damage, injury, or death. Parking lots, for the purpose of accident reporting, are considered private property.
3. Enforcement Action
  - a. Unless there are extenuating circumstances patrol officers shall issue citations for traffic and equipment violations determined as a result of the accident investigation.
4. Hazardous Material Involvement
  - a. In the event of Hazardous Material involvement a perimeter is established around the accident site, limiting access to emergency personnel.
  - b. In the event of a large hazardous material spill or release, officers will contact the Socorro Fire Department for response. The Fire Department has access to BIO-Hazard equipment and is trained to respond to such emergencies.
  - c. Officers shall maintain a Hazardous Materials Guidebook so that spills or releases from vehicles displaying placards can be easily identified.

### B. Alarm Response

1. Classifications
  - a. Burglar
  - b. Panic
  - c. Medical
  - d. Fire
  - e. Robbery (see section G below for Robbery Alarm Response)

2. Dispatch Procedures:
  - a. When possible two officers shall be dispatched to all burglary, panic, and any medical alarms. (The 1st unit arriving does have the authority to cancel the assist unit.) EMS and the Fire Department are also dispatched on Medical and Fire alarm calls.
  - b. A single officer may be dispatched on Fire alarm calls with the Fire Department.
  - c. Dispatch will also attempt to locate the owner or representative for the location.
  
3. Officer Response
  - a. Unless dispatch information indicates a person is in immediate danger, officers will respond to burglar and fire alarms Priority 2 or routine driving. Officers will not delay their response.
  - b. Officers will respond to Panic alarms Priority 1 but will slow and reduce speed near the address in order not to alert any offenders.
  
4. Burglar Alarm Responsibilities
  - a. Officers will park in a tactically advantageous position so as not to alert any offenders of their arrival.
  - b. Officers will carefully conduct an observation of the building or residence to determine if there is evidence of entry.
  - c. If an open door or window is unsecured the officer will request backup.
    - i. Normally a minimum of two officers are to enter the building.
    - ii. Officers shall advise the communications of the location of the open door or window and if officers are entering the building.
  - d. The responding officer will determine if a representative of the household should respond.
  - e. Officers will stand by if advised that a representative is enroute to their location. If a representative or owner is not enroute, the location should be secured to the extent possible.
  - f. Prior to clearing the scene the primary officer completes a "Response Awareness Card", leaving it in a conspicuous place if the officers entered the location without an owner present.
  
5. Panic Alarm Responsibilities
  - a. Officers will park in a tactically advantageous position so as not to alert any offenders of their arrival. Sometimes medical alarms have been used in cases of domestic disturbances and officers should be alert to this possibility.
  - b. The responding officer may have the dispatcher attempt to contact the residence by phone prior to approach.
  - c. If contact is made, communications should request the complainant meet the officer outside.
  - d. If contact is not made, the officers should carefully approach the location and attempt to determine if anything is wrong. A supervisor should be contacted for further instructions.
  
6. Medical Alarm Responsibilities
  - a. Officers will park in a tactically advantageous position so as not to alert any offenders of their arrival. Some medical alarms have been used in



cases of domestic disturbances and officers should be alert to this possibility.

- b. Officers should carefully approach the location and determine if a medical emergency exists. If a medical emergency exists, the officer should assist the complainant to the level of their training and ability while ensuring the Fire Department response is enroute and can easily locate the victim.

#### 7. Fire Alarm Responsibilities

- a. When arriving prior to the Fire Department, officers will park in a position that will not hamper fire department access to the location or any fire hydrant.
- b. When arriving prior to the Fire Department the officer will advise the dispatcher if any evidence of fire is showing (flames, smoke, and evacuated facility, etc.)
- c. If no evidence of fire is present and the Fire Department has not yet arrived, the officer shall attempt to locate the fire alarm location and responsible party.
- d. If the officer arrives after the Fire Department he/she will consult with the Fire Department officer in charge for their needs such as crowd control and traffic management.

#### C. Arson Investigations

1. The investigation of arson is primarily the responsibility of the Police Department. It is the responsibility of the Fire Department to determine cause of origin. The Police Department will assist in the Fire Department in any way possible.
2. In some cases, especially where a fire has been started and the fire has either gone out or has been extinguished, the complainant may notify the Police Department rather than the Fire Department.
3. Patrol Officers will secure the scene and have the communications notify the Fire Marshal's Office for an investigator to be sent to the scene.
4. In all cases where a Fire Investigator is not sent to the scene, the responsibility of the investigation lies with the Police Department. In such cases CID will be contacted to have an investigator respond to the scene.
5. The patrol officer initially assigned the complaint shall be responsible for the initial case report.

#### D. Assault Investigations

1. The primary officer assigned is responsible for the initial investigation. The officer shall control the scene to ensure all evidence is protected. The officer should first attempt to establish if the victim requires medical attention, and if so, request an ambulance. The officer shall then make a determination as to whether an actual offense has taken place. The officer's investigation should include, but is not limited to the following.
  - a. Interview with the victim
  - b. Interview all witnesses.
  - c. Identity of all individuals at the location at the time of the offense.
  - d. Identify the suspect (to include name and address

- e. Relationship of the victim and suspect (family member, etc.)
- f. If possible interview the suspect.
- g. Description as to the method of assaults (hands, weapon, etc.)
- h. Description of the injuries.
- i. Description of the crime scene.
- j. Photographs of injuries, scene and evidence
- k. If the assault is aggravated in nature CID may need to be notified.

#### E. Auto Theft (UUV) Investigations

1. The responding officer is responsible for the preliminary investigation. The officer should establish that an actual offense has taken place. The officer's investigation should include, but is not limited to, the following:
  - a. Accurate description of the vehicle make, model, year, and color.
  - b. Registration information including the vehicle identification number.
  - c. Any distinguishing information (bumper stickers, decals, body damage or any other identifiable details.
  - d. Lien holder information, determine if the payments are up to date or if there is the possibility of a repossession.
  - e. How many sets of keys, and where they are located
  - f. Amount of fuel in the vehicle
2. If a stolen vehicle is located, the officer shall follow policy and procedure with regard to taking possession of the vehicle and notifying the originating agency or owner. The originating agency will be responsible for placing a hold on recovered vehicles. If recovered vehicle originated from XXXX Police Department, then supervisor approval is needed to place a hold on that vehicle. The officer shall determine if the situation warrants contacting CID.
- 3.

#### F. Bank Alarm/ Robbery Response

1. Upon receipt of a financial institution alarm, normally a minimum of two unmarked patrol units shall be dispatched, if available.
2. If the robbery notification is received by telephone, a complete description of the perpetrators shall be obtained from the caller, along with as much additional information as possible; particularly whether the perpetrator is at the scene and if not, his direction and mode of travel and a complete description of any vehicle involved.
3. The department has a robbery response plan for financial institutions which shall guide the department's response to a robbery alarm at those locations.
4. If the robbery notification at other locations is made by alarm, the dispatcher shall not attempt to contact the institution or residence in order to determine the validity of the alarm until officers have given notice that they are in position at the location.
  - a. If the dispatcher is subsequently notified that the alarm is false prior to the officer's arrival, he shall advise the caller that police units are responding and;
    - i. obtain the identity of and maintain contact with the caller



- ii. verify the false alarm with a key employee of the establishment (e.g., manager or head teller) and advise him that he will need to exit the location to meet the responding officers utilizing the department's prearranged signal and
  - iii. obtain a physical description of the key employee and provide responding officers with the description and the fact that they will meet them outside as required.
5. Responding officers shall use appropriate vehicular warning devices when approaching the scene, but the siren will not be used within the hearing range of the reported robbery.
6. Responding units to the scene should be observant of any suspicious vehicles leaving the scene as well as other vehicles or persons outside the facility who may be serving as lookouts, cover or drivers for a robbery team.
7. The first unit on the scene shall serve as the primary unit until relieved by a supervisor or investigator, and shall take a position that provides good observation without being easily visible to those inside. The primary unit shall report on observable conditions at the location to the dispatcher but should not initially approach the location.
8. The primary and all subsequent units arriving at the robbery location shall report their arrival and position to the dispatcher. The primary unit or supervisory officer should direct responding units into positions that will establish a perimeter covering all exits and entrances.
9. Once the location perimeter has been established and no notice of a false alarm has been received, the primary unit on the scene shall determine whether the dispatcher shall telephone the location. If the call is made, the dispatcher shall identify himself and inquire whether a robbery is in progress. If the call is not answered or a questionable response is provided to the inquiry, officers at the scene shall be informed of these facts and told that a possible robbery is in progress.
10. If a robbery in progress is suspected, the primary unit or supervisory officer shall determine whether to request additional backup.
11. Unless otherwise directed, officers shall wait until suspects have exited the location before attempting apprehension. This helps to avoid the development of a hostage situation.
12. Once perpetrators have left the location, the crime scene shall be secured by officers in preparation for processing by crime scene technicians, departmental investigators and any federal agents.
13. If a robbery has been committed and the perpetrators have left the scene, the primary unit should begin preparation of the initial report by identifying witnesses, caring for any injured parties, protecting the crime scene and obtaining necessary information regarding the perpetrators for supplemental broadcast. Remaining units should initiate the search for suspects on likely escape routes, being alert to unusual activities and circumstances.
14. If the dispatcher notifies officers that he has been in contact with an employee of the establishment or resident and there does not appear to be a robbery in progress, officers shall determine the identity and description of the individual and wait for him to exit the building and approach the officers using the prearranged signal. Officers shall accompany the employee into the establishment in order to verify the situation and shall notify dispatch once the verification is complete.

15. If the alarm is received after business hours and the establishment is not occupied, responding officers shall assume positions in the front and rear of the building and jointly conduct an inspection of the location for signs of forced entry. If signs of forced entry exist, officers shall follow procedures for conducting a building search. If the building is secure, dispatch shall be notified to contact the owner or the establishment's designated contact person to meet them at the location.

#### G. Barricaded Subjects/Hostage Investigations

1. Events involving hostage or barricaded suspects will be addressed in accordance with the Incident Command System.
2. A supervisor will be dispatched on any Barricaded suspect or Hostage situation.
3. The responding supervisor will assume the duties of the Incident Commander until relieved by a higher-ranking officer.
4. Goals to be accomplished are:
  - a. Protection of the Public
  - b. Containment of the Suspect
  - c. Protection of Hostages, and
  - d. Case Resolution
5. Responding Officers
  - a. Upon arrival at the scene of a barricaded suspect/hostage situation, the first activity should be to limit access.
  - b. Preliminary investigation should be conducted carefully to determine nature and extent of situation. Care should be taken to ensure not to expose the officer to the risk of gunfire or to risk confrontation with a suspect.
  - c. Once confirmation has been made that a barricaded suspect/hostage situation in fact exists, a supervisor will be notified.
  - d. All attempts during this phase are geared toward avoiding confrontation and in favor of controlling, containing the situation until the arrival of additional personnel specifically trained in case resolution.
6. Incident Commander Responsibilities:
  - a. Restrict a radio frequency
  - b. Establish an inner perimeter to prevent inadvertent entry of the public and prevent the escape of the suspect.
  - c. The Incident Commander shall establish a command post outside the suspect's line of fire and sight. The command post should be sufficiently large to accommodate responding personnel and vehicles.
  - d. A supervisor shall determine the need for calling an outside agency for an emergency response team or tactical unit. The Chief or designee will then make the final decision for calling the other agency.
  - e. Officers will begin evacuation of nearby homes, offices, or buildings as necessary.
  - f. The supervisor on scene shall issue rules of engagement to all on-scene officers.
7. An arrest team shall be designated to take charge of the suspect should he surrender.
8. Personnel at the command post shall ensure the following information is assembled:

- a. The phone number of the location and where the phone is located within the structure.
  - b. A drawing or floor plan of the location, including entrances, location of windows, inside and outside doors, and any access to the garage from inside the location.
  - c. As much information as possible about the suspect(s) and hostage(s) to include:
    - i. Name,
    - ii. Physical description,
    - iii. Clothing description,
    - iv. Military background,
    - v. Criminal history,
    - vi. Weapons and
    - vii. Mental state.
  - d. A record check for past arrests or contacts with the suspect(s).
  - e. Anyone with information about the suspect (friends, relatives) to remain in the vicinity of the command post for possible questioning by Tactical Team members or negotiators.
9. The Incident Commander designates the following assembly areas:
- a. Medical - Safe Area
  - b. Media Assembly Area
  - c. Equipment/Personnel Staging Area
10. Perimeter Control
- a. The Incident Commander shall establish an outer perimeter for traffic and crowd control.
  - b. Adjacent law enforcement agencies may be used for this purpose;
  - c. If there is a shortage of personnel, a fire engine or radio car can be used to block a street or intersection. In addition control points can be established utilizing members of the Public Works Department.
11. Evacuation:
- a. Surrounding buildings or residences should be evacuated, if this can be done safely.
  - b. A location should be selected where evacuees can go (coffee shop, Laundromat, schools, gymnasiums etc.), and they should be told when it is safe to return to their homes.
  - c. The name and address of anyone who refuses to evacuate after being warned of the potential hazards should be recorded.
12. Medical Assistance:
- a. An ambulance, fire department and paramedic unit will stand by near the command post.
  - b. Injured persons are to be evacuated as soon as it is safe to do so.
  - c. When recovery is complete the injured person(s) shall be immediately transferred to a predetermined safe area, which will be determined by the Incident Commander.
13. Media
- a. A location should be selected to assemble responding press representatives and the designated PIO shall brief and remain with them.
14. Hostage Negotiations Team Responsibilities:
- a. The Hostage Negotiation Team are responsible for the following:
  - b. Making contact with the suspect(s).

- c. Contact the suspect(s) by phone or P.A. system and attempt to get them to surrender.
  - d. Obtain their demands, but make no commitments.
  - e. Do not allow the suspect(s) and hostage(s) to leave the location.
  - f. Do not allow friends, relatives or other interested persons to enter the location.
15. Tactical Team Responsibilities:
- a. Inner Perimeter surveillance.
  - b. Removal of the injured, with-in the inner perimeter.
  - c. If negotiations fail, the Tactical Team will make entry into the structure and contact the suspect(s)
16. Post Event Investigation
- a. After the event it shall be determined if a crime was committed. All victims and witnesses shall be located and their statements taken as soon as possible.
17. Required Reporting Documentation:
- a. There shall be a chronological log of all activities completed by the Incident Commanders designee.
  - b. The initial case report shall be completed by the officer originally assigned to the call for service
  - c. Supplemental reports are to be completed by all persons involved in the event.

#### H. Bomb Threats

1. The Incident Command System structure will be utilized for Response to Bomb Threats.
2. When a bomb threat or report of a bomb threat is received by communications personnel, the communicator dispatches both police and fire personnel depending on the credibility of the threat or the presence of a suspicious device.
3. Use of radios, mobile telephones, mobile data terminals, computers or any device capable of emitting "RF" energy may be utilized except as follows:
  - a. Personnel refrain from use of such devices if within 100' of an identified device.
  - b. Personnel refrain from use of such devices if requested by on-scene commander.
4. A non-credible bomb threat call will be considered a Priority 2 response level. Non-credible is defined as a threat with no presence of a device noted and/or no specific details of a device, such as the location of time of detonation. Examples of non-credible threats are "There is a bomb at the school" or "I'm going to blow you guys up" with no other specific information.
5. A credible threat or a suspicious package will be considered a Priority 1 response. Credible is defined as the presence of an actual device or suspicious package, details that include location or time of detonation or other information indicating a credible threat. An example of a credible threat is "There is a bomb in the first floor restroom set to go off in ten minutes" or "Your company hurt my family, I'm going to get even. You have ten minutes to get out of the building".
6. Arrival on Scene
  - a. The first officer to arrive makes personal and immediate contact with the reportee. Other assigned officers shall stage away from the

- suspected building/area until otherwise advised by the first responding officer or a supervisor.
- b. Other police personnel responding shall stage their vehicles at a location designated by the supervisor or first responding officer.
7. On Scene Procedure
    - a. The first officer will gather all needed and available information from the complainant and others present who can provide relevant information.
    - b. Searches are conducted by the owner/occupants of the building due to their familiarity with the complex. The first responding officer or supervisor may assign officers to escort the owner/occupants conducting the search. Personnel conducting the search should only look and listen for anything unusual or out of place. They may open closets, cabinets, doors, etc., but should not open or touch any suspicious packages or devices.
  8. The decision to evacuate a building shall be the responsibility of the building owner or manager. Any building or area where there is more than just suspicion of a bomb or explosive device should be evacuated. If evacuation is decided, officers shall request that the building security personnel, owner, or manager announce an evacuation in a calm and orderly manner over the building's public address system, or through face to face communications with the buildings occupants. Facilities such as schools and government buildings with designated fire plans should initiate the designated evacuation alarms in lieu of the public address/person-to-person notification. Public safety personnel are utilized for this task as a last option.
  9. If a device is found or if officers need assistance with search operations, the Fire Department will be dispatched to the scene.

NOTE: While we do have the authority to order an evacuation should a device be located, the decision to reenter the facility after an evacuation will be made by the person in charge of the facility and not police personnel. We can and should inform the person in charge of the facility that reasonable efforts have been made to determine if a device is present.
  10. If Fire Department responds, the officers shall meet with the Fire Department supervisor and establish a Unified Command.
  11. If a suspected or confirmed bomb or explosive device is located:
    - a. The incident commander will call for an appropriate evacuation of the building or area
    - b. Personnel shall be strategically placed to ensure that the building or area is secured.
    - c. An Explosives Response Team will be notified to respond to any situation that deals with explosives, bombs, explosive devices or items that are presumed to contain explosives.
    - d. In the event an Explosives Response Team is unavailable, an alternate Explosive Ordinance Disposal Team may be contacted from another agency under the mutual aid agreement.

#### I. Burglary Investigations

1. The primary responding officer is responsible for the initial investigation. The officer will control the scene to ensure that all evidence is protected. The officer

shall attempt to establish that an actual offense has taken place. The investigation should include, but is not limited to the following:

- a. the point of entry (including the method of entry)
  - b. the point of exit.
  - c. point(s) of impact (what the suspect did while on the scene)
  - d. determination of missing and damaged property.
  - e. interview of all witnesses
  - f. interview with the neighbors or area businesses
2. The officer shall determine the need for CID to respond to assist in processing the crime scene or interviewing victims, witnesses or suspects.

#### J. Burglary in Progress Calls for Service

1. On all burglary in progress calls a minimum of two (2) officers are dispatched to the scene.
2. Upon the officers' arrival an exterior perimeter is established.
3. Once a perimeter is established, additional officers may search the building. Buildings are not to be searched by a lone officer.
4. If the owner of the property is present, neither they nor any other person are permitted to assist with the search until the building has been cleared. Civilians shall be staged away from the building in a place of safety.

#### K. Child Abuse

1. The primary officer dispatched is responsible for the initial investigation. State law requires that instances or suspected instances of child abuse or neglect be reported by public and private officials such as physicians, dentists, school employees, clergymen and others. Officers shall record and respond to all reports of child abuse, neglect and abandonment irrespective of the source or method of reporting.
2. A preliminary interview will be conducted with the reporting individual, when known, to determine the basis for the report, to include determination of such factors as:
  - a. the physical condition of the child;
  - b. a description of the abusive or neglectful behavior;
  - c. evidence of parental disabilities such as alcoholism, drug abuse, mental illness or other factors that demonstrate or suggest their inability to care for the child;
  - d. description of suspicious injuries or conditions;
  - e. the nature of any statements made by the child concerning parental maltreatment; and
  - f. any evidence of parental indifference or inattention to the child's physical or emotional needs.
3. Officers shall determine the need for an investigator and request one if required. Officers shall also determine if Child Protective Services should be notified immediately and requested to come to the scene or if a later report will suffice. In any case, if an officer determines that child abuse is or has occurred it will be their responsibility to forward a report to CPS as required by law. In cases of emergency, after hours, the CPS law enforcement on call number is 1-800-877-5300.

4. Where reasonable suspicion exists for further investigation, a coordinated investigative effort should be undertaken with the Child Protective Services.
5. Immediate action shall be taken by officers when
  - a. the complaint warrants arrest or criminal prosecution;
  - b. child protective personnel are not available and time is of the essence;
  - c. the child is in danger and child protective personnel cannot respond;
  - d. the suspected perpetrator may flee;
  - e. police presence is required to maintain order or to protect the safety of child protection officers; or
  - f. when the child must be taken into protective custody against parental wishes.
6. The preferred means of removing a child from the home is by court order. However, in cases of abandonment, severe abuse or neglect where the child is in imminent danger of death or serious bodily harm and time is of the essence, an officer shall, in compliance with state law, remove the child from the home for purposes of protective custody. The assistance of Child Protective Service officers should be sought, if available, in a timely manner. Parental permission should also be sought but is not required in order to remove the child under emergency circumstances.
7. In cases where protective custody is warranted and time permits, Child Protective Services shall be notified and a court order for protective custody shall be sought prior to the child's removal.

L. Consumption or possession of Alcohol by a Minor

1. Where a person is underage and suspected of having consumed an alcoholic beverage, and the officer believes the subject to be intoxicated, the officer shall conduct standardized field sobriety tests.
2. When an officer determines that a person is underage and has consumed an alcoholic beverage, the officer shall undertake one of the following actions:
  - a. If the minor is under the age of ten years:
    - i. The child will be released to a parent or another responsible adult.
    - ii. A case report shall be completed.
  - b. If the minor is at least age ten, but less than 14 years:
    - i. The minor may be detained at the scene, while contact is made with the minor's parent, and arrangements made for the parent or another responsible adult to take custody of the minor, or
    - ii. The minor may be taken into custody, transported to the Police Station, processed as a juvenile offender, and detained in a court-approved area until released to the parent.
  - c. If the minor is at least 14 years, but less than 17 years:
    - i. A citation may be issued for Minor in Consumption; and
    - ii. The minor may be detained at the scene, while contact is made with the minor's parent, and arrangements made for the parent or another responsible adult to take custody of the minor, or

- iii. The minor may be taken into custody, transported to the Police Station, processed as a juvenile offender, and detained in a court-approved area until released to the parent.
  - d. If the minor is at least 17 years, but less than 21 years:
    - i. If the officer determines that the minor has consumed an alcoholic beverage, and that the subject is **not intoxicated**, a citation for minor in consumption may be issued and the subject released.
    - ii. If in public, and the subject is intoxicated, and cannot be released to a parent or other responsible adult, the individual shall be booked as an adult for Public Intoxication.
    - iii. If not in public, and intoxicated, contact a parent or responsible adult, release the juvenile to their custody and issue a citation for Minor in Consumption.
3. Disposition of Evidence:
  - a. When an officer arrests or issues a citation to a person for public intoxication, or for any other alcohol-related Class C misdemeanor or city ordinance violation, he/she will seize any alcoholic beverage in the possession of the person at the time of the arrest or citation
  - b. Alcoholic beverage containers seized in accordance with the preceding paragraph will be disposed of as follows:
    - i. If the container is critical to the prosecution of a felony case or contains evidentiary value it will be secured and documented as would any other evidence
    - ii. In misdemeanor cases each container of alcohol, whether opened or unopened, will be poured out and the container properly discarded.
    - iii. Destruction of any alcoholic beverage at the scene is done within view of the officers patrol units video camera.

#### M. Death Investigations

1. Deceased persons or persons near death may be encountered in response to a wide variety of calls for service. Officers who encounter such situations shall, in order of importance, based on the circumstances, perform the following:
  - a. Identify and arrest any perpetrator(s) if present.
  - b. Ensure officer safety and the safety of others by safeguarding any weapons at the scene.
  - c. Administer emergency first aid if necessary and/or summon emergency medical personnel.
2. Death can only be determined in an official capacity by a physician. However, in cases involving unmistakable evidence of death (e.g., the presence of lividity or rigor mortis), emergency medical personnel need not be summoned.
  - a. If the officer determines that the person is dead, the factors surrounding that determination shall be entered into the officer's report.
  - b. Officers shall resolve any doubt concerning the life or death of a subject by summoning appropriate medical assistance.



3. The officer shall isolate and protect the crime scene from any intrusion by non-essential personnel including officers not directly involved in the crime scene investigation.
4. The officer shall notify communications of the circumstances and any additional personnel as needed. If the death is perceived to be a homicide or potential homicide or the result of accident or suicide, an investigator shall also be summoned.
5. The officer shall observe and note pertinent information at the scene.
  - a. Record the nature of any physical modifications to the crime scene as the result of intervention by emergency medical personnel or others.
  - b. Record in a crime scene log the identity of any persons who were present at or who entered the crime scene.
  - c. Identify witnesses and record basic information regarding the event. Ask witnesses to remain, if possible. If not possible, determine their identity and how they can be contacted by investigators.
  - d. Identify and ensure that any suspects do not leave. Responding officers may conduct basic, preliminary questioning of a suspect or witness, but should normally defer interviews to investigators
6. Bodies shall not be moved unless located in a spot that is deemed untenable (e.g., in open view of the public) and only under conditions that do not require a police investigation or magistrates' response. In all other cases, bodies may not be moved without approval of the Justice of the Peace or homicide investigators.
7. Death by Other Than Natural Causes. In all cases of death other than those due to natural causes where the death will be certified by an attending physician, the Justice of the Peace shall be notified.
  - a. In any case in which there is doubt concerning the cause of death, the JP and criminal investigators shall be notified and shall be responsible for conducting an investigation of the death.
  - b. In cases of death by accident, suicide, homicide, or undetermined causes, the officer shall coordinate with homicide investigators and the JP's office in protecting the scene and conducting a preliminary investigation of the incident.
8. Assistance to Survivors. Providing basic support and crisis assistance to survivors is the responsibility of both responding officers and investigators.
9. Officers should not leave the scene of a death where survivors are present until reasonably assured that the survivors have adequate personal control and/or family or close friends readily available to provide support. In gauging the need for assistance, officers shall also consider the following:
  - a. The emotional reactions and physical condition of the survivors;
  - b. Availability of other adults in the home or immediate area;
  - c. Responsibility of the survivors for infants or small children;
  - d. Home environment, if apparent, (e.g. evidence of excessive alcohol use or drug use, lack of means of financial support, shortage of food, problem with shelter, etc.); and
  - e. Availability of a support system (e.g. including friends, family, close neighbors, access to clergy, means of transportation, etc.)
10. Officers should not leave a lone survivor unattended until all reasonable efforts have been made to garner first-hand support from the survivor's

family, friends, co-workers, neighbors, clergy, crisis counselors, or other community social service agency.

## N. Death Notifications

### 1. Preparations

- a. All death notifications that are the responsibility of this agency shall be delivered in person unless the exigency of circumstances demands telephonic notification.
- b. Officers shall be prepared to and shall be provided adequate discretion to spend the necessary time with survivors to provide assistance as authorized by this policy.
- c. Prior to contacting next of kin, notifying officers shall gather and familiarize themselves with essential details concerning the deceased, to include full name, age, race and home address, as well as details of the death, location of the body/personal effects and other pertinent information. Officers shall identify the next of kin of the deceased for purposes of notification. Particular effort should be made to locate the closest relative starting with a spouse and followed by parents, brothers or sisters, then children.
- d. Only where substantial delays would be required to make contact with next of kin should other relatives be contacted.
- e. Officers should contact a supervisor for guidance when in doubt concerning next of kin or delays in notification.
- f. Where another agency must be contacted to notify the next of kin, officers should
  - i. request that the notification be made in person, and
  - ii. request immediate verification when notification has been accomplished.
- g. Wherever possible, officers should gather available information concerning the survivors that may aid in the notification. This includes but is not limited to whether survivors are elderly, disabled, visually or hearing impaired, have medical problems or may not speak English. If possible, obtain the names of the survivor's closest relative, friend, family doctor and clergyman.
- h. Officers shall ensure that they have on hand a list of referral agencies that may be helpful and should leave this with survivors.
- i. Officers should, wherever reasonably possible, avoid using the name of the deceased over the radio prior to notification of immediate surviving relatives.
- j. Where possible, two officers (preferably a male and female team) should be assigned to a death notification.
- k. Officers should request the assistance of the department chaplain, Fire Department chaplain or local crisis intervention specialist where feasible.
- l. Personal effects of the deceased shall not be delivered to survivors at the time of death notification.

## 2. Making Notification

- a. Upon arrival at the residence or place of business, officers shall do the following:
  - i. check the accuracy of the location;
  - ii. request to speak to the immediate survivor;
  - iii. identify themselves by name, rank and departmental affiliation;
  - iv. verify the relationship of the survivor to the deceased; and
  - v. ask to move to a place of privacy.
- b. Every reasonable effort shall be made to make the death notification in the privacy of the survivor's home or in another location away from public scrutiny.
- c. Officers should address the survivor(s) in a straightforward manner and use easy-to-understand language to briefly explain the circumstances of the incident and the fact that the individual is dead.
  - i. Officers should not use euphemisms such as "passed on" or "no longer with us" in order to avoid using the term "dead" as these may create confusion or false hope.
  - ii. Officers should avoid graphic aspects of the incident and the use of police jargon.
- d. Officers should be prepared for unexpected responses from survivors to include hysteria and possible verbal or physical attack.
- e. Officers should provide survivors with sufficient time to regain composure before proceeding.

## 3. Providing Assistance and Referral

- a. Officers should provide any additional information on the incident requested by survivors. While graphic details may not be necessary, officers should provide information if asked specifically concerning the cause of death, condition of the body or other details of the fatality.
- b. Officers should remain alert to the possible need for medical assistance.
- c. Officers should be aware of confusion on the part of survivors; speak slowly and deliberately, and write down any pertinent information that the survivor may need. This includes such matters as the following:
  - i. disposition of the body;
  - ii. location of personal effects;
  - iii. identification requirements/procedures; and
  - iv. notifying officers' names, agency and telephone numbers.
- d. Notifying officers should conduct a follow-up within 24 hours with any survivor when there is concern for the survivor's well-being.

## O. Driving Under the Influence by a Minor

1. When a minor (a person who is under the age of 21) is operating a motor vehicle in a public place and has introduced alcohol into their body but is not intoxicated, officers determine if there is any detectable amount of alcohol in

- the minors system. The smell of alcohol on the minor's breath constitutes detectable amount. DUI is not a lesser included offense to DWI.
2. The officer shall conduct Standardized Field Sobriety Tests, including the use of a portable breath testing device, if possible.
  3. If an arrest for DUI is not made and the officer determines the minor has a detectable amount of alcohol in their system, the officer may:
    - a. Issue a citation and complete a DIC-25, DIC-23, and release the minor to a responsible adult.
    - b. If there is no responsible adult available, the subject is taken into custody and booked into the departmental holding facility on the appropriate charges.
    - c. If an arrest is made and a specimen of breath (Intoxilyzer Test) or blood is requested, then all standard DWI procedures are followed.
  4. Disposition of Evidence
    - a. When an officer arrests or issues a citation to a person for any other alcohol-related Class C misdemeanor or city ordinance violation, he/she will seize any alcoholic beverage in the possession of the person at the time of the arrest or citation
    - b. Alcoholic beverage containers seized in accordance with the preceding paragraph will be disposed of as follows:
      - i. If the person arrested or cited is under 21 years of age, each container, whether opened or unopened, will be poured out and the container properly discarded
      - ii. Destruction of any alcoholic beverage at the scene is done within view of the officers patrol units video camera.

#### P. Criminal Trespass

1. Criminal Trespass is a misdemeanor that requires notice for removal from property or that entry is forbidden, and commission does not constitute a breach of the peace. Therefore, an arrest without a warrant must be for an on-view offense.
2. Enforcement Action
  - a. Upon contacting the suspect the officer shall obtain identification and check for wanted information. The officer shall determine if a Criminal Trespass Warning has been issued to the suspect by interviewing the complainant or having Communications check the master name file.
  - b. If a warning has not been issued, the officer will complete a Trespass Warning and give a copy to the suspect, with instruction, that if the suspect returns they will be arrested.
  - c. A copy of the warning is forwarded to the Communications Division. The Communications Division will enter the suspect information in the Master Name Index, indicating a warning has been issued.
  - d. The pink copy shall be given to the actor.
3. If a warrantless arrest is made, it is necessary that an officer be present whenever a suspect is verbally notified to depart from the premises.
4. It is legally permissible for a second officer to make a warrantless arrest for criminal trespass if the suspect has been issued a trespass warning by another officer. Information about who issued the warning is included in the case report.

5. If the suspect has never been given a prior trespass warning, an officer cannot make a warrantless jail arrest for criminal trespass when the suspect is being held against his will by a security guard, business owner, etc. Follow the above steps if proved that the subject had received a criminal trespass warning.
6. Disregarding signs, fences and locked or unlocked habitations is evidence that the subject received warning and can be arrested without the pursuit of a warrant.

#### Q. Drug Paraphernalia

1. All drug paraphernalia seized in connection with a drug arrest will be placed in the property room and properly booked in as evidence with the following exceptions:
  - a. When the seizure and arrest is for an amount of marijuana less than a usable amount (typically less than 5 grams) or is for paraphernalia only with no other drug charge, the following process will be used.
    - i. The officer will check the subject for wanted and if clear, issue a citation for Possession of Drug Paraphernalia. The Paraphernalia charge will be the first charge on the citation if more than one charge is cited.
    - ii. The Paraphernalia and or drug residue will be seized and placed in a bag for transport to the police facility.
    - iii. Upon arrival at the police facility, the seizing officer will, in the presence of a second officer, photograph the evidence, and then destroy and dispose of the paraphernalia.
  - b. A copy of the photograph will be stapled to the citation and forwarded to the Municipal Court in the normal process. The seizing officer will indicate the manner of the destruction of the paraphernalia on the back of the white copy of the citation with his signature and the witnessing officer will also sign indicating they witnessed the destruction.

#### R. Escorts

1. Personnel shall refrain from providing non-emergency escorts unless requested by another Law Enforcement Agency, a City, County or State agency. Such escorts are limited to:
  - a. Funeral of a law enforcement Officer, fire fighter or civilian member of the City of Socorro, Texas or immediate family member.
  - b. Hazardous materials;
  - c. Oversize vehicles
  - d. Dignitaries and public officials
2. Medical Escorts:
  - a. Officers shall refrain from providing emergency medical escorts to private vehicles, except when such escort is of such short distance that medical attention would clearly be delayed by utilization of ambulance personnel.
  - b. In the case of minor injury the officer may direct the parties to the nearest medical facility or location for assistance. For those more seriously injured, an ambulance should be contacted.
  - c. Extreme caution should be utilized during such escorts.

## S. Family Disturbances/Family Violence

1. Officers investigate family violence cases and are strongly encouraged to make appropriate arrests of family violence suspects, to end the possibility of further violence being committed on the victim. Officers will refer to Policy 7.13 for operational procedures. If an arrest is not able to be made, articulate why not in the offense report.
2. If the victim of family violence does not want to prosecute the suspect, officers shall still make the arrest. Officers will refrain from telling the complainant that charges can be dropped at a later time.
3. If the suspect is not at the scene, officers will make diligent efforts to apprehend the suspect, if the suspect is believed to be in proximity to the scene and it is believed the suspect may return and engage in further family violence.
4. Officers will collect and preserve evidence in family violence situations in the same manner that such evidence is collected and preserved in other criminal cases.
5. Officers shall give all victims or alleged victims of family violence a Family Violence Victim Notice.
6. Officers should consult with the victim to determine if an Emergency Protective Order (EPO) is needed.
7. Required Reporting Documentation
  - a. Case Report (if family violence occurred)
  - b. Family Violence Report (if family violence occurred)
  - c. Assault Victims' Statement (if family violence occurred)

## T. Fireworks

1. Officers should take action when these violations are observed or brought to their attention. Patrol officer may file charges against adults for displaying, possessing, shooting, throwing fireworks etc.
2. If the offender is a juvenile, the officer will contact the juvenile's parents or guardian, inform them of the violation, and file the appropriate charges.
3. All confiscated fireworks are destroyed on video camera.

## U. Hazardous Materials

1. In the event of a case involving hazardous materials, the officer shall contact the Fire Department immediately and take the appropriate action to protect life and property. This may include evacuating or limiting access to the scene. The Fire Department personnel will undertake the command and control of hazardous material scenes and hold responsibility for all removal and cleanup measures that are undertaken.
2. The Fire Department has the equipment and training required to properly respond to Hazardous Materials and Bio-Hazard incidents, including full Level III Protective Equipment as well as decontamination equipment.

## V. Injured Persons

1. Patrol officers are dispatched to respond to injured person calls (other than those resulting from criminal activity, motor vehicle accidents, cases of major

- magnitude, or if the injury occurs on city property) only when the presence of the officer will protect life, render first aid, or restore order.
2. In the event a child or elderly person has been injured a case report may be generated if the officer believes negligence was involved.
  3. For the purpose of this section, a child is a person under 15 years of age and an elderly person is over 64 years of age.
  4. If the person is injured on city property, a case report is always generated.

#### W. Junk and Abandoned Vehicles

1. The Texas Transportation Code and City Ordinance authorize the Police Department to take into custody an abandoned motor vehicle found on public or private property.
2. The Texas Transportation Code and City Ordinance allow authorized persons to enter private property to examine vehicles or vehicle parts, obtain information as to the identity of the vehicle, and cause the removal of a vehicle or vehicle part that constitutes a nuisance when so ordered by the judge of the municipal court.
3. Procedures for removal of abandoned or junk vehicle-public property
  - a. Vehicles found left unattended creating a hazardous traffic situation may require immediate removal if they cannot be pushed out of the roadway.
4. Officers shall determine if the vehicle meets the criteria to be classified as an abandoned motor vehicle. A Violation Warning Sticker is affixed to the vehicle in the following manner:
  - a. Place sticker on the rear window either on the lower left or right side - whichever can easily be seen by passing motorists.
  - b. Do not place sticker in a position in which it may obstruct the driver's view.
  - c. Do not place on any painted surface.
  - d. Do not place more than one sticker on any vehicle.
  - e. If the vehicle is towed the officer shall write a report and have the vehicle entered into TCIC/NCIC as stored/abandoned.
5. Procedures for removal of abandoned or junk vehicles - private property
  - a. The police department is responsible for removal of vehicles on private property in accordance with applicable laws and city ordinances.

#### X. Juvenile Parties and Large Gatherings

1. Officers responding to calls regarding juvenile parties and gatherings will investigate each call to determine if a criminal offense has taken place. Officers are to conduct their investigations following State Law and Departmental Policy to determine the correct course of action.
2. If the violation of law involves a Class C Misdemeanor officers are not authorized to enter a residence or fenced in area of the residence, without first obtaining consent to enter from an individual who holds possessory interest in the property, regardless if the violation is an on view offense. All other entry into any residence or fenced property should be supported by:
  - a. probable cause to believe that a criminal offense classified as a Class B Misdemeanor or higher is in progress, and

- b. urgent circumstances exist where an officer would not have time to secure a search warrant, or
  - c. consent from someone with possessory interest in the property, or
  - d. a reasonable belief that immediate entry is necessary to protect anyone from physical harm.
3. If it is determined an offense has taken place, officers are to take appropriate enforcement action following established guidelines.
4. If a violation has been determined to involve a minor, the parents or guardian of the minor will be contacted and requested to come to the scene to take custody of the violator.
5. Evidence obtained will be photographed and disposed of following established guidelines.

#### Y. Liquor Law Violations

1. When an arrest is made in licensed premises because intoxicated persons are permitted to remain on the premise (T.A.B.C Section 104. (6)) a copy of the arrest reports are provided to the Texas Alcoholic Beverage Commission.
2. In order that desired administrative action be taken, the arrest report must contain the following additional information if applicable:
  - a. Observation by the arresting officer that the licensee or his employee is permitting the intoxicated person to remain on the premise. (or was in the position to see the intoxicated person, but did nothing to cause him to be removed).
  - b. Identity of the licensee or the employee who served the intoxicated person (name, age, physical description, address and employment status).
  - c. Res Gestae statements made by the licensee, employee or intoxicated person.
  - d. Answers to questions made by the licensee, employee/ and/or intoxicated person.
  - e. The TABC license number for the premises.

#### Z. Major Crime Scenes

1. Initial responding officers shall initiate the preliminary investigation and perform tasks as designated below until otherwise directed by a superior officer, detective or other officer specifically assigned to criminal investigations.
2. In transit to crime scenes, officers shall be cognizant of suspects/vehicles that may be in flight.
3. Upon arrival the officer should:
  - a. Verify that a crime has been committed and relay essential information to communications.
  - b. Summon emergency medical assistance if required and take those steps necessary to protect victims or others.
  - c. Arrest the perpetrator if at the scene. A decision to leave the crime scene to arrest or pursue the perpetrator should be made based on weighing the immediate needs of victims and others against the safety of the public if the perpetrator were allowed to escape.
  - d. Provide communications with such information as:



- i. nature of the crime committed;
  - ii. description of the perpetrator and mode/direction of flight;
  - iii. description of any vehicle used by the offender and any accomplices;
  - iv. use of firearms or other deadly weapons; and
  - v. any support required at the crime scene.
- e. Identify any witnesses to the crime, secure their identities and request that they remain present at the crime scene until they can be interviewed.
- f. Where reasonably possible, obtain the identities on any other persons who were present upon arrival at the crime scene
- g. Note the license tags of vehicles parked near the crime scene and be aware of suspicious persons on hand at or near the crime scene.
- h. Provide superior officers and any other investigative personnel arriving on the scene with complete information on the offense and the measures taken thus far by officers and others.
- i. Responding officers shall enter crime scenes only for purposes of aiding victims or bystanders in need of immediate assistance, apprehending perpetrators or securing the area.
- j. Officers making initial entries for the above purposes shall, where feasible, avoid touching, walking upon, moving objects or otherwise altering or contaminating the crime scene. Officers shall advise CID personnel of exit and entry paths.
- k. Define the boundaries of the crime scene to include all areas that may reasonably be searched for evidence. As necessary, considering the nature and seriousness of the crime, officers should:
  - i. request backup assistance to restrict access to the crime scene and control any on-lookers;
  - ii. erect barricade tape, rope or cordon off, lock or otherwise secure the immediate crime scene and restrict access to defined crime perimeters; and
  - iii. record any alterations made at the crime scene due to emergency assistance to victims, the actions of persons reporting the crime, handling of any items of evidentiary value or other actions.
- l. Restrict all persons from the crime scene who are not directly involved in the investigation. In the case of homicides or other major crimes the officer-in-charge (OIC) shall ensure that the identity of all persons entering the crime scene is recorded.
- m. Homicides and other major crime scenes should be approached only as needed in a single defined line in order to avoid destruction of footprints and other impressions and the contamination of scent trails that may be useful in canine searches. The “place last seen” of kidnapped or missing persons should also be protected in a similar manner.

AA. Missing Persons / Kidnapping / Attempted Child Abductions

1. Reporting/Classification of Missing Persons

- a. Officers receiving a report of a possible kidnapping or child abduction will immediately cause notification of a supervisor and the Chief of Police. In cases of a potential kidnapping or child abduction, time is of the essence and the department may initiate preplanned protocols for handling these events.
- b. Reports of unsuccessful attempted child abductions will require a field unit response and offense report as well as immediate Tlets notification of the Texas Clearinghouse.
- c. There is no waiting period for reporting a missing person. Missing person reports shall be taken in-person or by telephone in conformance with the criteria of this policy and the criticality of the incident.
- d. A person may be declared "missing" when his/her whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines.
- e. An individual may be considered "missing-critical" who meets the foregoing criteria and among other possible circumstances:
  - i. A reasonable suspicion the individual may be the subject of foul play,
  - ii. Under 13 or over 65 and may be unable to properly safeguard or care for himself/herself,
  - iii. suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended;
  - iv. is a patient of a mental institution and is considered potentially dangerous to himself or others;
  - v. has demonstrated the potential for suicide; or
  - vi. may have been involved in a boating, swimming or other sporting accident or natural disaster.
- f. On any Critical Missing, the department will continue active investigation by assigning personnel full time in attempting to locate the missing person.
- g. Reports of juveniles who have voluntarily left home (i.e., "runaways") should be classified as such only after thorough investigation. The number of incidents where a child has left home voluntarily should be determined and whether the child is in a natural or foster home. This information is needed for data entry into NCIC and TCIC.

## 2. Initial Report Taking

- a. The responding officer must gather as much pertinent information as quickly as possible in order to properly classify a missing person report and initiate proper response. This includes the following information:
  - i. Name, age and physical description of the subject and relationship of the reporting party to the missing person.
  - ii. Time and place of last known location and the identity of anyone accompanying the subject.
  - iii. The extent of any search for the subject.
  - iv. Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans.
  - v. Whether the individual has been involved recently in domestic incidents; suffered emotional trauma or life crises; demonstrated

unusual, uncharacteristic or bizarre behavior; is dependent on drugs or alcohol or has a history of mental illness.

- i. The current physical condition of the subject and whether the person is currently on prescription medication.
- b. If the missing person is a child, inquiry should also determine if the child
  - i. is or may be with any adult who could cause him/her harm;
  - ii. may have been the subject of a parental abduction;
  - iii. has previously run away from home, has threatened to do so or has a history of explainable or unexplainable absences for extended periods of time.
  - iv. The current custodial status of the child.
- c. A supervisory officer shall also respond on all missing persons cases.

### 3. Preliminary Investigation

- a. The preliminary investigation is intended to gather information and to take those steps that will aid in the search for and location of a missing person. This includes gathering the following types of information and materials:
- b. Complete description of the subject and a recent photograph.
- c. Officers will conduct a complete and thorough consensual search of the missing person's home and surrounding property as soon as possible. Many children have been found hiding, trapped or asleep in their home. On occasion, evidence of a crime involving the person has also been located.
- d. Identity of the last person(s) to have seen the subject as well as friends, relatives, coworkers or associates who were or may have been in contact with the subject prior to disappearance.
- e. Plans, habits, routines and personal interests of the subject including places frequented or locations of particular personal significance.
- f. Indications of missing personal belongings, particularly money and other valuables.
- g. Any suggestions of foul play or accident.
- h. In the case of missing children, officers shall be particularly cognizant of information that may suggest the potential for parental abduction or the possibility of stranger abduction, as well as
  - i. the presence of behavioral problems;
  - ii. past instances of running away;
  - iii. signs of an abusive home environment or dysfunctional family situation;
  - iv. whether the child is believed to be with adults who may pose a danger; and
  - v. the name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location.
- i. When possible, officers should gain permission to search a missing child's school locker, as appropriate for information which may lead to investigative leads.

- j. Upon verification of a missing person, a missing person report shall be completed and appropriate entries made as soon as possible in state and national information databases in accordance with established NCIC and TCIC procedures. (Suzanne's Law (42 USC 5779) requires immediate entry into NCIC for any missing person under 21 years of age.
- k. Entry of voluntarily missing children (Runaways) must be made within eight hours of the initial report and must include information as required by DPS rules regarding their entry.
- l. Reports of Attempted Child Abductions will be made to the Texas Clearing House using Tlets as required by DPS rules as soon as possible.
- m. In the case of persons designated as "missing- critical," a supervisory officer may direct that
  - i. The agency should utilize the Amber Alert System or Silver Alert System, the A Child is Missing system, or other local notification systems.
  - ii. the dispatcher broadcast to all persons on duty all information necessary to identify the missing person.
  - iii. Regional and statewide missing persons reports be made.

#### 4. Special Considerations in Custodial Situations

- a. If the missing person is:
  - i. A Child under the age of 18,
  - ii. Whose whereabouts are unknown to the child's legal custodian for a period of more than 48 hours, and
    - 1. The circumstances indicate a possibility that the child was taken or retained without the permission of the Custodian and with the effect of depriving the Custodian of the possession of or access to the child, (unless the taking or retention of the child was prompted by the commission or attempted commission of family violence as defined by Section 71.004 of the CCP, against the child or actor), or
    - 2. The reporting person indicates that the person taking or retaining the child has legal authority to joint possession, but is subjecting the child to abuse or neglect (Family Code 261.001),
- b. The department will make a reasonable effort to locate and determine the well-being of the child.
- c. If the child is located:
  - i. And is in possession of a person who has a legal right of custody, the well-being of the child shall be determined.
    - 1. If there is reason to believe that the child is the victim of abuse or neglect (Section 261.001 Family Code), the department will immediately notify the Department of Family and Protective Services, and may take possession of the child pursuant to Family Code Chapter 262, Subchapter B and deliver the child to Family and Protective Services.

2. If the child is not the victim of abuse or neglect, the child will be left in the legal custody of the person where found.
  3. The reporting person will be notified that the missing person has been located and determined to be not the victim or abuse or neglect and in the possession of legal custodian. The location of the missing person will not be revealed unless approved by the child's current Custodian.
  4. A Missing Person offense report will be made and a supplement to the offense will be made outlining all department investigative activities and conclusions.
- ii. If the child is in possession of a person without legal right to custody of the child,
1. The department shall attempt to determine whether the child is a victim of abuse or neglect.
    - a. If the child is determined not to be the victim of abuse or neglect, the department will take possession of the child and return the child to the legal custodian and any shall consider pursuing criminal charges, if appropriate, against the possessor.
    - b. If the child is determined to be the victim of abuse or neglect, the department shall take possession of the child, as indicated above, and delivered to the Department of Family and Protective Services. Criminal charges may be pursued, if appropriate, against the possessor.

#### 5. Search Procedures

- a. The responding officer will organize and direct the search for the person/child unless relieved by higher ranking personnel.
- b. Should significant search efforts be required, additional personnel will be requested and use of Incident Management System shall be employed.
- c. Canine search may be requested, however canines that are trained in find and bite shall not be used to search for missing persons/children unless in an extreme or life threatening emergency and then only on a controllable leash.

#### 6. Criminal Investigations will:

- a. Request release of dental records and any fingerprints available.
- b. Contact hospitals and the coroner's office as appropriate for injured or deceased persons fitting the description of the missing person.
- c. Thoroughly check the location at which the missing person was last seen and conduct interviews as appropriate with persons who were with the individual or who may work in or frequent the area.
- d. Conduct interviews with any additional family, friends, work associates, schoolmates and teachers as well as school counselors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight, or, in the case of juveniles, parental kidnapping or running away.

- e. Provide identification and related information to all elements of this agency, the state police missing persons' authority, neighboring police agencies and, if parental or stranger-to-stranger abduction is suspected, the FBI.
- f. Decisions to use local media to help locate missing persons shall be made with the approval of the police chief executive and the missing person's family.
- g. The lead investigator shall maintain routine on-going contact with the missing person's closest relative concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead investigator as soon as any contact is made with the missing person.

#### 7. Recovery of Missing Persons and Case Closure

- a. Competent adults, having left home for personal reasons, cannot be forced to return home. Officers locating such individuals shall:
  - i. advise them that they are the subject of a wanted to locate investigation;
  - ii. ask if they desire the reporting party or next-of-kin to be notified of their whereabouts; and
  - iii. make provisions to transmit this information to the reporting party or next-of-kin if permitted by the missing person.
- b. In all cases, reporting parties shall be informed of the well-being of located missing persons. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.
- c. Missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.
- d. In cases involving juveniles, officers shall ensure that:
  - i. the juvenile receives medical attention if necessary in a timely manner;
  - ii. initial questioning of the youth identifies the circumstances surrounding the child's disappearance, any individuals who may be criminally responsible and/ or whether an abusive or negligent home environment was a contributory factor, and
  - iii. that parents, guardians and/or the person reporting the missing youth are notified in a timely manner.
- e. Upon location of a missing person, all agencies and information systems previously contacted for assistance will be notified or updated.

#### BB. Parking Violations

- 1. Officers actively enforce parking ordinances in:
  - a. handicapped spaces;
  - b. fire lanes; and
  - c. no parking zones.
- 2. Special attention is given to parking violations in the following circumstances:
  - a. high traffic areas;
  - b. peak traffic times; and
  - c. high complaint areas

3. Enforcement activity is only undertaken in areas lawfully designated by official means or as stipulated by State law.
4. Officers may remove vehicles in an emergency situation or with the approval of a Supervisor in a non-emergency and in accordance with the law.

CC. Protective Orders

1. A Protective Order is issued by a court that finds that family violence has occurred and is likely to occur again.
2. Protective orders are usually valid for a period of one year. Officers must ascertain that the Protective Order is valid before taking any enforcement action.
3. Officers dispatched to an address will be informed by Communications if a Protective Order is in effect at the address at which they are responding to. Communications will also inform the officers of the identity of those listed in the order.
4. If through the officer's investigation, it is determined a violation of a protective order has occurred, the violator shall be arrested.
5. Once the order has been in effect, no party involved, including the victim, can allow a violation to take place.

DD. Robbery Investigations

1. Crime Scene Control
  - a. The initial responding patrol officer secures the crime scene and ensures the protection of evidence from victims, suspects, witnesses, spectators and other Department personnel. Adequate perimeters will be established for the preservation of the crime scene. Officers shall remove or cause to be removed any animals or other conditions which may adversely affect the integrity of the scene. Officers shall request additional assistance as needed.
  - b. Personnel may enter the crime scene only if they have a legitimate law enforcement function to perform there, and only at the discretion of the Crime Scene Investigator. They are accompanied at all times by a Crime Scene Investigator.
2. Investigator Response
  - a. The responding investigator assumes direct control of the scene.
  - b. The investigator shall direct any assistance that is required and designate an officer to secure the crime scene if the initial officer must assume other duties, i.e., take custody of offender, accompany victim to hospital, etc.
  - c. An investigator shall assign an officer the task of maintaining a crime scene log containing the names of individuals entering and exiting the crime scene including the time of entry/exit.
  - d. A supervisor or investigator shall assign officers to conduct a neighborhood inquiry:
  - e. Persons near the scene will be interviewed concerning what they may have seen or heard as well as what they know about the victim and his/her associates

EE. Robbery in Progress Calls for Service

1. On all robbery in progress calls a minimum of two (2) officers are dispatched to the scene.
2. Upon Arrival the Following Takes Place:
  - a. The officers shall establish an exterior perimeter.
  - b. Officers shall not enter the building until they are certain there are no robbers inside.
  - c. When the perimeter is set, they will request communications contact the business.
  - d. Communications will instruct the business representative, to come outside and meet with the officers.
  - e. Upon speaking with the business representative communications will notify the officers as to the following:
    - i. Name of the subject coming out;
    - ii. Description, including clothing;
    - iii. The identification of the subject will be verified by officers;
3. Unless circumstances prevent, in the event the suspects are still inside the business, officers should refrain from making contact with any suspect until the suspects exit the building.

#### FF. Sexual Assault Investigations

1. Dispatcher or Call-Taker Response
  - a. Due to the trauma of a sexual assault, a victim reaching out for assistance may be in crisis. The victim's behaviors may actually be symptomatic of this condition and can range from hysteria, crying and rage to laughter, calmness, and unresponsiveness. There is no one typical reaction, so it is important to refrain from judging or disregarding any victim.
  - b. When a caller reports a sexual assault, communications personnel shall follow standard emergency response to include evaluating and properly prioritizing the call, securing medical assistance, inquiring about a suspect's current location, and obtaining detailed information to identify the suspect. Information about the relationship with the victim, weapon use, and history of violence shall also be obtained.
  - c. To ensure critical evidence is not lost, communications personnel shall:
    - i. Ask whether the victim has bathed, douched, urinated, or made other physical changes and advise against doing so
    - ii. Ask the victim to use a clean jar to collect the urine should the victim have to urinate. Let the victim know that other evidence may still be identified and recovered so the crime should still be reported if the victim has bathed, changed clothes, or made other physical changes
    - iii. Preserve the communications tape and printout for the investigation
    - iv. Explain to the caller that these questions will not delay an officer's response to the caller's location
2. Initial Officer Response
  - a. As part of the emergency response, officers shall:



- i. Make contact with the victim as soon as possible to address safety concerns and summon emergency medical assistance if needed.
- ii. Attempt to obtain a suspect description immediately and broadcast to other officers
- iii. Evaluate the scene for people, vehicles, or objects involved as well as possible threats
- iv. Relay all vital information to responding officers and supervisors, including any possible language barriers
- v. Secure the crime scene to ensure that evidence is not lost, changed, or contaminated
- vi. Request response from detectives as appropriate
- vii. Begin a search for the suspect when appropriate

### 3. Assisting the Victim

- a. As part of the emergency response, officers shall:
  - i. Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.
  - ii. Inform the victim that an officer of the same sex will be provided if desired and available.
  - iii. Contact a victim advocate as soon as possible to provide assistance throughout the reporting and investigative process.
  - iv. Supply victims of sexual assault with the phone number for the Rape, Abuse, and Incest National Network (RAINN) Hotline, 1-800-656-HOPE. Operators at this hotline connect the caller with the rape crisis center closest to the victim's location.
- b. Request a response from investigations, and clearly explain his or her role and limit the preliminary interview so that the victim is not then asked the same questions by a detective.
- c. Be aware that a victim of sexual assault may bond with the first responding officer. It is important to explain the role of the different members of the sexual assault response team and help with transitions through introductions.
- d. Record observations of the crime scene, including the demeanor of the suspect and victim and document any injuries or disheveled clothing.

### 4. Evidence Collection Issues

- a. Officers shall introduce the need for a medical examination to the victim explaining the importance to investigative and apprehension efforts as well as for the victim's well being.
- b. If field officers are required to collect or assist in collecting evidence, proper evidence collection procedures will be used.
- c. DNA evidence plays a crucial role in the sexual assault investigation. In addition to the victim's and suspect's bodies and clothing, there are many other potential sources such as condoms, sheets, blankets, pillows, and bottles that may contain biological evidence such as blood, sweat, tissue, saliva, hair, and urine. To properly collect DNA evidence, officers shall:
  - i. Use sterile gloves and change as needed

- ii. Use sterile swabs, papers, solutions, and tools
- iii. Package evidence in individual envelopes
- iv. Avoid touching the area where potential DNA evidence may exist
- v. Avoid talking, sneezing, and coughing over evidence
- vi. Air dry evidence before packaging
- vii. Put evidence into new paper bags or envelopes, not plastic
- d. The sexual assault evidence kit shall be accepted from the medical staff after it has been properly sealed and labeled.
- e. The kit will contain whole blood that requires that the kit be placed and logged into an evidence refrigerator as soon as possible. The kit may also contain a urine sample for toxicology testing. If it does, the urine sample shall also be refrigerated as soon as possible.
- f. The kit shall not be allowed to freeze or be exposed to heat such as being near a car's interior heater.

GG. Stranded Motorists

1. Motorists who are stranded due to accident or mechanical difficulty are provided reasonable assistance as needed.
2. Should the motorist need a wrecker, the officers will inquire as to which wrecker company is preferred. If the motorist has no preference, the next wrecker on rotation call will be contacted.
3. The officer will remain at the scene if:
  - a. The street is obstructed.
  - b. A traffic hazard exists;
  - c. Debris or other hazards are present.
  - d. The stranded party is elderly, disabled, small children are present, or the person has expressed fear or a desire for the officer to remain until assistance arrives.
4. Officers may use whatever emergency equipment is necessary to provide protection. but is not necessarily limited to, the following:
  - a. emergency lights;
  - b. hazard lights;
  - c. flares;
  - d. traffic cones; and
  - e. temporary barricades
5. Officers may arrange for or provide local transportation to stranded motorists. Officers shall restrict this transportation to the City of Socorro, or contiguous cities when the situation reasonably allows such, unless otherwise approved by a Supervisor.

HH. Suspicious Persons

1. Normally two officers should respond to a suspicious person call. Officers should use caution when approaching a suspicious person:
  - a. If possible approach from behind in a well-lit area.
  - b. Stop far enough back to allow time for you to exit your unit.
  - c. Never pull alongside the individual.

2. Responding to residences, the officers should first make contact with the complainant prior to conducting any search. Communications may keep the caller on line, updating the officer with information.

## II. Terrorist Screening Center

1. When checking individuals for wanted, officers may receive a warning notice from the Terrorist Screening Center with a Code Response. In all circumstances, do not let the person know they may be on the Terrorist Watchlist. Take action based on the type of Code response provided.
2. Code 1 – Approach with Caution – Arrest. There may be a federal warrant for the subject, take necessary precautions and arrest if a warrant exists.
3. Code 2 – Approach with Caution – Detain. There may be a federal detainer notice for the subject. Take necessary safety precautions and detain while contacting the Terrorist Screening Center.
4. Code 3 – Approach with Caution. Arrest only if there is evidence of a local, state, or federal crime. Do not let the subject know they may be on the Terrorist Watchlist. Gather as much information as possible regarding suspect's identity, associates, and current addresses. Contact the Terrorist Screening Center with the information as soon as possible.
5. The Terrorist Screening Center can be contacted at 866-872-9001

## VI. EQUIPMENT MAINTENANCE AND READINESS

### A. Vehicle Maintenance Procedure

1. Employees assigned a department vehicle assume responsibility to ensure that any malfunctions or mechanical problems with the assigned vehicle are promptly reported through the established reporting procedures.
2. The dealer performs all warranty maintenance of department vehicles while under warranty.
3. A private vendor may be utilized for out of warranty vehicles.
4. All such maintenance is scheduled through work orders forwarded to the Administrative Assistant.
5. Any employee experiencing difficulties with any vehicle of this department during their tour of duty that would obviously cause additional damage to the unit shall:
  - a. Discontinue its use; and
  - b. Complete Vehicle Repair request form.
6. All requests for maintenance work on department vehicles are documented on a Vehicle Maintenance Request Form.
7. No employee shall alter, or authorize the alteration, of any vehicle, without the approval of the Chief of Police or designee.

### B. Equipment Maintenance Procedure

1. Maintenance and servicing of all department equipment is scheduled through the Administrative Assistant.

2. Any employee experiencing a malfunction or failure of any equipment belonging to the Department shall report the problem on an Equipment Repair request form.
3. All requests for maintenance work to be done on department equipment will be documented on an Equipment Repair request form.
4. Each employee of this department is responsible to ensure that any personal use equipment issued by the department is kept in good repair and working order.
5. Personal equipment obtained at the expense of the employee is maintained and repaired at the employee's expense.
6. Maintenance of Inventory:
  - a. Officers shall conduct a pre-shift inspection of their assigned patrol unit, noting any deficiencies on their Vehicle Inspection form.
  - b. Supplies should be replenished immediately when depleted.

#### C. Equipment Readiness

1. All equipment assigned to the patrol division is kept in a state of readiness. Patrol Supervisors are responsible for the maintenance and readiness of all equipment assigned to the Police Department

#### D. Knife Use and Safety

1. This department recognizes the need for its officers to be properly equipped to handle a wide variety of duty responsibilities. Officers may carry police folding utility knives as authorized by this policy and consistent with their duty assignment.
2. The police utility knife is intended solely for the purpose of carrying out the general duties and designated specialized assignments of police operations; its use as a defensive or offensive weapon is authorized only in exigent circumstances.
3. Officers serving in specialized assignments, such as special weapons and tactics, ordnance disposal, and canine units, may carry a utility knife of such quality and design to withstand the rigors and job responsibilities of their assignment as determined by their commanding officer or unit supervisor.
4. Police utility knives shall be folded and secured by a fastening device so as to ensure officer safety, knife retention, and concealment. The blade and securing device shall be carried in the least obtrusive manner possible, whether the officer is on or off duty, and consistent with the officer's duty assignment or tactical deployment.
5. Folding blade utility knives shall conform to agency-defined quality standards to meet the demands of work assignments as defined by departmental policy and the officer's commanding officer. The cutting edge of such knives shall not exceed four and one-half inches in length as measured from blade tip to handle. Authorized users shall not:
  - a. Display a knife in any offensive or threatening manner without legitimate operational justification.
  - b. Carry a knife in any manner other than clipped in a pocket or waistband, or inside the pants or vest.
  - c. Carry a knife while handling prisoners in a custodial facility, except when needed for rescue, suicide prevention, or other authorized purposes as determined by supervisory officers.

6. Uses as a Weapon. The police utility knife is not intended for use as a weapon and officers are discouraged from using it in this capacity. However, if it is used in defensive or offensive capacities under exigent circumstances, it shall be deemed a use of deadly force and is governed by this department's policies on use of force to include, but not be limited to, summoning a supervisor and reporting it as a use of force.

#### E. Mobile Video Recording System

1. The use of a Mobile Video Recording (MVR) system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct.
2. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the MVR and the integrity of evidence and related video documentation.
3. General Procedures
  - a. It shall be the responsibility of this department to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations. MVR equipment shall automatically activate when emergency equipment (lights) or a wireless transmitter is operating. The system may also be activated manually from the control panel affixed to the interior of the vehicle.
  - b. Placement and operation of system components within the vehicle shall be based on officer safety requirements.
  - c. All officers shall successfully complete this department's approved course of instruction prior to being deployed with MVR systems in operational settings.
  - d. Inspection and general maintenance of MVR equipment installed in departmental vehicles shall be the responsibility of the officer assigned to the vehicle.
  - e. Prior to beginning each shift, the assigned officer shall perform an inspection to ensure that the MVR is performing in accordance with the manufacturer's recommendations covering the following matters.
    - i. Remote activation of system via transmitter
    - ii. Windshield and camera lens free of debris
    - iii. Camera facing intended direction
    - iv. Recording mechanism capturing both audio and video information - System plays back both audio and video tracks.
    - v. Log into the system with the flash drive to personalize the recording
  - f. Malfunctions, damage or theft of in-car camera equipment shall be reported to the immediate supervisor prior to placing the unit into service.
  - g. Mandatory Use:
    - i. All official contacts whether on a call or officer initiated.
    - ii. Traffic stops (to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops)
    - iii. Priority responses

- iv. Vehicle pursuits
- v. Prisoner transports
- h. When the MVR is activated, officers shall ensure that the audio portion is also activated so all events are properly documented. Officers are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.
- i. Officers using the 900Mhz digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
- j. When officers park patrol units in the parking, the MVR downloads automatically to the server and is maintained by the Lieutenant.
- k. Officers shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.
- l. When the MVR is activated to document an event, it shall not be deactivated until:
  - i. the event has been concluded unless the incident or event is of such duration that the MVR may be deactivated to conserve recording times; and
  - ii. the officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and
  - iii. the intention to stop the recording has been noted by the officer either verbally or in a written notation.
- m. Supervisors' Responsibilities
  - i. Supervisors shall issue personalized flash drive
  - ii. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shootings, departmental accidents), a supervisor shall respond to the scene and ensure crime scene investigator removes the recorded media.
  - iii. The technician or investigator shall then place the media into evidence and provide copies to authorized investigative personnel; and
  - iv. ensure the appropriate notation is made in the chain of custody log
  - v. All recordings are maintained on the L3 server
- n. The supervisor shall periodically check the disk printer to ensure recordings are being downloaded.
- o. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.
- p. Supervisors shall conduct periodic reviews of officer assigned media in order to periodically assess officer performance; assure proper functioning of MVR equipment; determine if MVR equipment is being operated properly; and identify recordings that may be appropriate for training.

- q. Supervisors shall conduct bi-weekly reviews of personnel who are newly assigned MVR equipment in order to ensure compliance with departmental policy. Supervisors shall thereafter conduct quarterly reviews.
- r. Minor infractions (not criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions.
- s. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken
- t. Supervisor shall ensure that adequate recording media is on hand and available for issuance
  
- u. Technicians' Responsibilities A designated officer or other employee shall be responsible for the ordering, issuance, retrieval, storage, erasing and duplication of all recorded media.
  - i. Recorded media may only be degaussed/erased pursuant to a court order; or in accordance with established retention guidelines of at least 90 days.
  
- v. Media Duplication
  - i. All recording media, recorded images and audio recordings are the property of this department. Dissemination outside of the Department is strictly prohibited, unless such media or other property is requested by a Court order, lawfully issued subpoena, or through a request under the Public Information Act. Such requests should be submitted to the Chief of Police and City Clerk if it pertains to a request under the Public Information Act.

## PERFORMANCE EVALUATION MANUAL

### GENERAL INSTRUCTIONS:

Performance evaluation is an important process for both supervisors and employees. It is a tool that can enhance the operation of the department, and it is also a process that allows employees to be both recognized for good performance and provided with recommendations for improvement. Remember that if your employee succeeds, then you as a supervisor succeed. **While performance evaluation is not simple, it nevertheless remains a primary responsibility of those functioning in a supervisory role.**

All employees must have their performance evaluated in writing at least once a year. For non-probationary employees, Performance evaluations will be completed no later than January 31 for the previous year.

**Special Note for Supervisors of Probationary Employees:** The probationary period allows the supervisor the opportunity to judge whether an employee is carrying out the duties in his/her job description. In order for an employee to succeed, he or she must be provided with appropriate supervision, and adequate feedback. The performance evaluation form you will complete for the probationary employee is the same as the form used for non-probationary employees. On the cover sheet however, you will need to identify whether the review is at the end of training, six months, nine months, or final review. You will also be asked to recommend, or not recommend that the employee be continued in his/her appointment at the end of each review, or that an employee be reappointed as a permanent employee at the completion of his/her probationary period.

The Sworn Officer Evaluation Form must be completed by the immediate supervisor. .

Part I of the Evaluation Form requires the supervisor to rate the officer on the various job related functions of the job. The supervisor should refer closely to the rating guide that is part of this manual to properly rate whether the officer is Superior, Acceptable, or Unacceptable. Any rating of less than 3 must be accompanied by specific comments that justify the rating. The comments that justify any rating of 3 or less will be placed on a separate sheet of paper entitled "Documentation" and should include details of how this was communicated to the employee and what actions were recommended to overcome the deficiency.

In Part II, supervisors must complete the performance narrative. This section requires the supervisor to specifically identify positive performance and provide the officer with positive reinforcement for the outstanding work accomplished during the year.

This section also requires the supervisor to identify any weaknesses the officer may have and to recommend actions for improvement.

In Part III, the supervisor and officer should agree on at least three performance goals for the upcoming evaluation period. Employee input on both goals and performance evaluations are important.

Remember that during the evaluation interview the communication should be two-way: the supervisor should use the opportunity to convey his/her assessment of the staff member's work, and encourage the staff member to comment on his/her own work. Following the discussion,



supervisors may make adjustments to the written evaluation if necessary. Also remember to give the employee a copy of the evaluation for his/her records.

## **PITFALLS IN MAKING PERFORMANCE APPRAISALS**

- A. **The Isolated Incident**  
No rating should be based on a few isolated performance incidents. When this is done, the rating is unfairly influenced by non-typical instances of favorable or unfavorable performances.
- B. **The "Halo" Effect**  
The "Halo" effect occurs when one factor influences ratings on all factors. Examples: An employee's work is of good quality, therefore, other ratings (such as those on promptness or work quantity) are higher than normal. Another employee is frequently absent, with the result that the ratings on other factors are usually low.
- C. **The "Cluster" Tendency**  
The tendency to consider everyone in the work group as above average, average, or below average. Some raters are considered "tough" because they normally "cluster" their people at a low level. Others are too lenient. "Clustering" overall ratings usually indicates that the rater has not sufficiently discriminated between high and low levels of performance.
- D. **Rating the Job and Not the Individual**  
Individuals in more difficult jobs are often considered superior performers to those in lower-rated jobs. This normally means that confusion exists between the performance appraisal and how the job has been evaluated.
- E. **Length of Service Bias**  
There is a tendency to allow the period of an individual's employment to influence the rating. Normally, performance levels should be higher as an individual gains training and experience, but this is not always the case.
- F. **Personality Conflicts**  
Avoid judgments made purely on the basis of personality traits. Effective, efficient employees do not necessarily agree with everything a supervisor believes in or states.

## **SUGGESTIONS FOR ACCURATE EVALUATIONS**

- A. Consider the entire appraisal period. Try to enumerate high points and low points in performance, then assign a rating that typifies the individual's normal performance. Do not attempt to assign a rating to a performance indicator and then create justification to support it. Be able to explain the reason for each rating.
- B. Rate each indicator independently. When evaluating more than one person simultaneously, it may be helpful to rate all employees' performances on one indicator rather than one employee's performance on all factors. Use the summary evaluation to give substance to individual factors.
- C. Consider how an individual is performing in relation to what is expected. Rate the person's performance, not importance of the job.
- D. Recognize that some people may never achieve top ratings, regardless of length of service. Watch closely the progress of newcomers and be ready to recognize superior performance if it is achieved.

It is incumbent upon each employee, regardless of level or category, to perform in an exemplary manner reflecting those principles and disciplines upon which this department was founded. Used constructively, this program of performance evaluation can prove to be a valuable tool regarding individual career advancement, and result in increased productivity throughout all areas of the department.

## **RATING SCALE VALUES**

The task of evaluating and rating an officer's performance shall be based on the following numerical scale value definitions. These definitions serve as a means of standardizing the evaluation process.

### **(1) DRIVING SKILLS: STRESS CONDITIONS**

1. Unacceptable: Involved in accident(s). Overuses red/blue lights and siren. Excessive and unnecessary speed. Fails to slow for intersections or loses control on corners.
3. Acceptable: Maintains control of vehicle. Evaluates driving situations and reacts properly. Proper speed for conditions.
5. Superior: High degree of reflex ability and competence in driving skills. Superior judgment shown in use of lights and siren. Controls speed skillfully.

### **(2) DRIVING SKILLS: NON-STRESS CONDITIONS**

1. Unacceptable: Continually violates traffic law (red/blue lights, speed, stop signs, etc.). Involved in chargeable accidents. Lacks dexterity and coordination during vehicle operation.
3. Acceptable: Able to maintain control of vehicle while being alert to activity outside vehicle. Practices good defensive driving techniques.
5. Superior: Sets good examples of lawful, courteous driving while exhibiting good manipulative skill in operating the radio, using the street index, etc.

### **(3) ORIENTATION SKILL**

1. Unacceptable: Becomes disoriented when responding to stressful situations. Unable to relate his/her location to their destination. Unable to use map under stress. Unable to determine compass directions during stressful situations.
3. Acceptable: Aware of his/her location. Able to use map effectively under stress. Demonstrates good sense of direction when responding to stressful situations.
5. Superior: Always responds quickly to stressful calls by the most appropriate route. Does not have to refer to map. Does not become disoriented during stressful situations. Calmly operates the radio and coordinates the responses of other officers.

### **(4) FIELD PERFORMANCE: STRESS CONDITIONS**

1. Unacceptable: Becomes emotional and panic stricken. Unable to function; loses temper. Endangers safety of self and other officers and citizens by inattention to the demands of the job.
3. Acceptable: Exhibits a calm and controlled attitude. Can perform reasonably well at least in preventing a situation from deteriorating. Reasonably conscious of officer safety measures and protection of citizens from further harm.
5. Superior: Maintains control and brings order under virtually any circumstances without assistance. Remembers and carries out key police duties properly.

(5) FIELD PERFORMANCE: NON-STRESS CONDITIONS

1. Unacceptable: Confused and disoriented as to what action should be taken in a given situation. Numerous specific examples of bad judgment can be shown.
3. Acceptable: Able to assess situation and take proper action.
5. Superior: Requires no assistance and always takes proper action. Excellent field judgment.

(6) OFFICER SAFETY: GENERAL

1. Unacceptable: Frequently fails to exercise basic officer safety precautions. Examples:
  - a. Exposes weapons (baton, handgun, etc) to suspect.
  - b. Fails to keep gun hand free during enforcement situations.
  - c. Stands directly in front of violator's car door.
  - d. Fails to control suspect's movements.
  - e. Does not maintain sight of violator while writing summons.
  - f. Fails to use illumination when necessary.
  - g. Fails to advise radio when leaving vehicle.
  - h. Fails to maintain good physical condition.
  - i. Fails to use or maintain personal safety equipment properly.
  - j. Does not foresee potentially dangerous situations.
  - k. Points weapon at other officers.
  - l. Stands too close to vehicular traffic.
  - m. Stands in front of door when knocking.
  - n. Fails to have weapon ready when appropriate.
  - o. Fails to cover other officers.
  - p. Fails to search police vehicle before duty or after transporting prisoners.
  - q. Fails to check equipment.
  - r. Fails to properly search or handcuff prisoners.
3. Acceptable: Understands principles of officer safety and generally applies them.
5. Superior: Always maintains position of safety and advantage. Does not become unduly anxious or apprehensive, over-cautious or overconfident.

(7) OFFICER SAFETY: WITH SUSPICIOUS PERSONS AND PRISONERS

1. Unacceptable: Frequently violates officer safety standards. Fails to "pat search" or confronts suspicious persons while seated in patrol vehicle. Fails to handcuff prisoners. Fails to thoroughly search prisoners or vehicles. Fails to maintain a position of advantage with prisoners.
3. Acceptable: Generally displays awareness of potential danger from suspicious persons and prisoners. Maintains position of advantage.
5. Superior: Always maintains position of advantage and is alert to changing conditions.

(8) CONTROL OF CONFLICT: VOICE COMMAND

1. Unacceptable: Improper voice inflection, i.e., too soft, too loud, indecisive, confused commands, etc. Few problems resolved as result of officer's oral direction.
3. Acceptable: Speaks with authority in a calm, clear voice.
5. Superior: Always appears to be in complete command through voice tone and bearing.

(9) CONTROL OF CONFLICT: PHYSICAL SKILL

1. Unacceptable: Cowardly, physically unable to handle most situations, or uses too much or too little force for given situations.
3. Acceptable: Maintains control without excessive force. Maintains self in good physical condition.
5. Superior: Excellent knowledge of and ability to use restraining holds. Always ready to use necessary force. Maintains above average physical condition.

(10) INVESTIGATIVE PROCEDURES

1. Unacceptable: Does not plan an investigative strategy. Cannot define investigative goals, i.e., successful prosecution, arrest, recovery of property, development of informants. Leaves out important steps in investigations. Fails to connect legal and departmental guidelines while conducting investigation. Cannot coordinate aspects of the investigation, i.e., interviews, searches, notetaking, report-writing.
3. Acceptable: Maintains command of a crime scene. Able to assess the requirements of the situation concerning collection and preservation of evidence, interviews, and interrogations. Undertakes most of these functions with little or no direction.
5. Superior: Requires no supervision in organizing and undertaking an investigation. Identifies all possible sources of physical evidence. Identifies all potential witnesses and victims. Conducts complete interview. Uses time efficiently.

(11) REPORT WRITING: ORGANIZATION AND DETAILS

1. Unacceptable: Incapable of organizing events into written form. Leaves out many important details. Puts in inappropriate information. Much of the work will have to be redone.
3. Acceptable: Converts field events into a logical sequence of thought to include all elements of the situation. The narrative leaves the reader with a good understanding of what took place.
5. Superior: A complete and detailed account of what occurred from beginning to end. Written and organized so that any reader has a clear understanding of what occurred. Full consideration is given to the needs of investigator/prosecutor.

(12) PROPER FORM SELECTION: ACCURACY AND DETAILS

1. Unacceptable: Unable to determine proper forms for given situations. Forms filled out incorrectly or incompletely.
3. Acceptable: Knows most standard forms and understands format. Completes forms with reasonable accuracy.
5. Superior: Consistently and rapidly completes detailed forms with no assistance. High degree of accuracy.

(13) REPORT WRITING: GRAMMAR/SPELLING/NEATNESS

1. Unacceptable: Illegible, misspelled words, incomplete sentence structure.
3. Acceptable: Grammar, spelling, and neatness are satisfactory in that errors are rare and do not impair understanding.
5. Superior: Very neat and legible. No spelling mistakes and excellent grammar.

(14) REPORT WRITING: APPROPRIATE TIME USED

1. Unacceptable: Requires 2-3 hours to correctly complete a basic simple report.
3. Acceptable: Correctly completes simple basic reports in approximately thirty minutes.
5. Superior: Correctly completes simple basic reports in no more time than that of a skilled veteran officer. (Depending on the type of report, the time will vary.)

(15) RADIO: LISTENS AND COMPREHENDS TRANSMISSIONS

1. Unacceptable: Repeatedly misses call sign and is unaware of radio traffic in adjoining beats. Frequently has to ask dispatcher to repeat transmissions or does not understand message.
3. Acceptable: Copies most radio transmissions directed at him/her. Generally aware of adjoining beat radio traffic.

5. Superior: Always comprehends radio transmissions and makes a written record. Always aware of and reacts to radio traffic in adjoining beats.

(16) RADIO: ARTICULATION OF TRANSMISSIONS

1. Unacceptable: Does not plan before transmitting message. Under or over modulation, resulting in dispatcher or other units constantly asking for a repeat.
3. Acceptable: Uses proper procedure with short, clear, concise transmissions.
5. Superior: Always uses proper procedure with clear, calm voice, even under stress conditions.

(17) SELF-INITIATED ACTIVITY

1. Unacceptable: Does not see or avoids activity. Does not follow up on situations; rationalizes suspicious circumstances. Gets involved inappropriately too often. Ignores departmentally defined problems.
3. Acceptable: Recognizes and identifies suspected criminal activity. Makes cases from routine activity. Makes recommendations for directed patrol. Promotes departmental crime-prevention programs. Networks with private and public associations or agencies.
5. Superior: Catalogs, maintains, and uses information given at briefings and from bulletins or crime reports for reasonable cause to stop persons or vehicles. Makes quality arrests. Shows balance in the type and extent of self-initiated activity. Combines directed patrol with community involvement through development of mutual respect and trust. Consistently develops and shares intelligence with other team officers. Actively develops and nurtures Neighborhood Watch programs.

(18) PROBLEM SOLVING/DECISION-MAKING ABILITY

1. Unacceptable: Acts without thought or is indecisive. Relies on others to make decisions. Numerous examples of bad decisions or indecision can be shown.
3. Acceptable: Able to reason out problems and relate them to what he/she was taught. Has good perception and ability to make own decisions. Maintains minimal informal community contacts consistent with departmental community-oriented policing objectives.
5. Superior: Excellent perception in foreseeing problems and arriving at advanced decisions. Makes timely, quality decisions. Recommends or submits proposals concerning community partnerships to attack specific crime problems. Adept at mediating, negotiating, solving community problems informally. Acts as liaison to relevant non-profit agencies such as food banks and the Girl and Boy Scouts. Consistently alert to ways of improving the quality of life in the officer's assigned community.

(19) COMMUNITY-POLICING OBJECTIVES

1. Unacceptable: Maintains a minimal reactive policing profile in the community. Not proactive in developing informal community contacts or developing Neighborhood Watch alliances with citizens. Minimal promotion of crime-prevention techniques.
3. Acceptable: Organizes Neighborhood Watch alliances with citizens; distributes crime-prevention literature and promotes crime-prevention methods and philosophy when interacting with citizens; gives referrals to social-assistance agencies. Visits local businesses to enlist help in crime prevention.
5. Superior: Not only offers citizen referrals to social-assistance agencies, but actively seeks and executes opportunities to link social services agencies to citizens, obtain code enforcement, and coordinate drug treatment, improved sanitation or animal control, or noise abatement. Actively advises landlords, contractors, and others about CPTED (crime prevention through environmental design). Organizes and coordinates the work of volunteers.

(20) KNOWLEDGE OF DEPARTMENTAL ORDERS

1. Unacceptable: Has little knowledge of departmental orders. Makes no attempt to learn them. Frequent violations of orders.
3. Acceptable: Familiar with most commonly applied rules and procedures; is able to apply them to most field situations.
5. Superior: Exceptional working knowledge of rules, procedures, and orders.

(21) KNOWLEDGE OF CRIMINAL LAW

1. Unacceptable: Does not know the elements of basic offenses. Reports and performance continually show inability to apply criminal law to field situations.
3. Acceptable: Has a working knowledge of commonly used sections of code. Relates elements to observed criminal behavior.
5. Superior: Outstanding knowledge of criminal law. Able to apply laws to normal and unusual criminal activity.

(22) KNOWLEDGE OF TRAFFIC LAW

1. Unacceptable: Does not know the elements of basic offenses. Reports or actions continually show inability to apply traffic law to field situations.
3. Acceptable: Has a working knowledge of commonly used sections of code. Relates elements to observed traffic activity.
5. Superior: Outstanding knowledge of traffic law. Able to apply laws to normal and unusual traffic related activity.

(23) ACCEPTANCE OF FEEDBACK: VERBAL/BEHAVIOR

1. Unacceptable: Argumentative, rationalizes, refuses to admit mistakes, refuses to make corrections. Always considers feedback negative.
3. Acceptable: Accepts criticism in a positive manner and applies it to further learning. Accepts responsibility for his or her mistakes.
5. Superior: Solicits feedback and criticism in order to improve performance. Never argues with or blames others.

(24) RELATIONSHIPS WITH CITIZENS

1. Unacceptable: Abrupt, belligerent, overbearing, officious, introverted, or uncommunicative.
3. Acceptable: Courteous, friendly, and empathetic. Communicates in a professional and unbiased manner.
5. Superior: Establishes rapport and is always fair.

(25) RELATIONSHIPS WITH SUPERVISORS, CO-WORKERS

1. Unacceptable: Constantly argues with other officers or other superior officers. Belittles other officers or supervisors in front of other people. Fails to adhere to chain of command. Insubordinate.
3. Acceptable: Able to establish a good relationship with other officers and supervisors. Understands and adheres to chain of command. Respects other officers.
5. Superior: Establishes excellent relationships with other officers and supervisors. Possesses thorough understanding of chain of command, and adheres to it. Utmost respect shown to superior officers and peers as well.

(26) GENERAL Demeanor

1. Unacceptable: Officer cannot be depended upon to produce routine work without close supervision. Does not adapt readily to new situations, work hours, changing assignments. Tardy, complains about assignments, days off, duties.
3. Acceptable: Officer generally displays initiative, interest in the job, willingness to take on new challenges or schedule changes. Dependable.
5. Superior: Attentive beyond requirements of job. Constantly analyzes own work performance and devises and tries new approaches to problems. Consistently outstanding overall performance. High interest in welfare and image of department. Exemplary.

(27) GENERAL APPEARANCE

1. Unacceptable: Overweight, dirty shoes, uniforms, and leather. Long messy hair. Offensive body odor.



3. Acceptable: Neat, clean, and well-pressed uniform. Cleaned and shined shoes and leather. Well groomed hair.
5. Superior: Tailored uniforms, spit-shined shoes and leather. Command bearing.

## *INSTRUCTIONS - PERSONAL HISTORY STATEMENT*

**NOTE:** Read these instructions carefully before proceeding. These instructions are provided as a guide to assist you in properly completing your Personal History Statement. It is essential that the information be accurate in all respects. It will be used as the basis for a background investigation that will determine your eligibility for employment. Any omission or error in this or any form completed during the application process, whether intentional or unintentional, may be sufficient reason to disqualify the applicant. Errors or omissions which have a direct bearing on the applicant's qualifications for the position, if discovered subsequent to being hired, are sufficient reason for termination.

1. Your Personal History Statement should be printed legibly in ink. Answer all questions to the best of your ability. If a question is not applicable to you, enter N/A in the space provided. If you do not know the answer to a particular question, indicate by entering "don't know" in the space provided.
2. Avoid errors by reading the directions carefully before making any entries on the form. Be sure your information is correct and in proper sequence before you begin.
3. You are responsible for obtaining correct addresses and telephone numbers. If you are not sure of an address, check it by personal verification. Your local library may have a directory service or copies of local phone directories.
4. If there is insufficient space on the form for you to include all information required, attach extra sheets to the Personal History Statement. Be sure to reference the relevant section and question number before continuing your answer.
5. An accurate and complete form will help expedite your investigation. On the other hand, deliberate omissions or falsifications may result in disqualification.
6. In addition to completing this Personal History Statement, you are required to furnish copies of the following documents:
  - a. Birth certificate (to aid in criminal history check);
  - b. Driver's license;
  - c. High school diploma or G.E.D. certificate (mandatory);
  - d. High school transcript;
  - e. College diplomas;
  - f. Transcripts of all college or university work completed;
  - g. U. S. citizenship papers, if naturalized (mandatory);
  - h. Certification documents and police training academy curriculum, if certified in another state.
7. Employees returning from Military Deployment over 30 days must complete only data that requires updating for the period away from the department including, any new address, new educational or training completed, and sections V, VI, VIII, and XIII.

**EMPLOYMENT APPLICATION SUPPLEMENT**

**PERSONAL HISTORY STATEMENT**

All persons making application for a position within the Socorro Police Department must complete this Employment Application Supplement.

I. **Applicant Identification** - Information provided in this section is used for identification purposes only.

Name: Last: \_\_\_\_\_ First: \_\_\_\_\_ Middle: \_\_\_\_\_

Home Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Current Driver's License number and state: \_\_\_\_\_

Date of Birth: Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_

Place of Birth: City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_

Are you a U.S. Citizen or legal resident? Yes No SSN: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Color of Eyes: \_\_\_\_\_ Color of Hair: \_\_\_\_\_

Scars, tattoos, or other distinguishing marks: \_\_\_\_\_

\_\_\_\_\_

**II. Education :**

**A. List all High Schools Attended**

Name of High School: \_\_\_\_\_ Diploma? \_\_\_\_\_

City/ State: \_\_\_\_\_ Dates Attended: \_\_\_\_\_

Name of High School: \_\_\_\_\_ Diploma? \_\_\_\_\_

City/ State: \_\_\_\_\_ Dates Attended: \_\_\_\_\_

Name of High School: \_\_\_\_\_ Diploma? \_\_\_\_\_

City/ State: \_\_\_\_\_ Dates Attended: \_\_\_\_\_

**B. List any Vocational Schools Attended:**

Name of Vocational School: \_\_\_\_\_

Course of Study: \_\_\_\_\_ Degree/ Cert: \_\_\_\_\_

City/ State: \_\_\_\_\_ Dates Attended: \_\_\_\_\_

Name of Vocational School: \_\_\_\_\_

Course of Study: \_\_\_\_\_ Degree/ Cert: \_\_\_\_\_

City/ State: \_\_\_\_\_ Dates Attended: \_\_\_\_\_

**C. List any Colleges Attended:**

Name of College: \_\_\_\_\_

Course of Study: \_\_\_\_\_ Degree/ Hours: \_\_\_\_\_

City/ State: \_\_\_\_\_ Dates Attended: \_\_\_\_\_

Name of College: \_\_\_\_\_

Course of Study: \_\_\_\_\_ Degree/ Hours: \_\_\_\_\_

City/ State: \_\_\_\_\_ Dates Attended: \_\_\_\_\_

Name of College: \_\_\_\_\_

Course of Study: \_\_\_\_\_ Degree/ Hours: \_\_\_\_\_

City/ State: \_\_\_\_\_ Dates Attended: \_\_\_\_\_

In high school, were you ever subject to disciplinary action?                      Yes    No

After High School, have you ever been subject to  
any discipline from school officials?                      Yes    No

Have you attended a basic peace officer academy?                      Yes    No

If so, where? \_\_\_\_\_ Dates: \_\_\_\_\_

Class Rank: \_\_\_\_\_ Graduate? \_\_\_\_\_ Are you currently licensed? \_\_\_\_\_

If currently licensed, Texas Commission License Number: \_\_\_\_\_

III. **Prior Residences** - List all addresses where you have lived during the past ten (10) years, beginning with present address. List date, by month and year. (Use reverse if necessary.)

A. **From:** Month: \_\_\_\_\_ Year: \_\_\_\_\_ **To:** Month: \_\_\_\_\_ Year: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ ZipCode: \_\_\_\_\_

B. **From:** Month: \_\_\_\_\_ Year: \_\_\_\_\_ **To:** Month: \_\_\_\_\_ Year: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ ZipCode: \_\_\_\_\_

C. **From:** Month: \_\_\_\_\_ Year: \_\_\_\_\_ **To:** Month: \_\_\_\_\_ Year: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ ZipCode: \_\_\_\_\_

D. **From:** Month: \_\_\_\_\_ Year: \_\_\_\_\_ **To:** Month: \_\_\_\_\_ Year: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ ZipCode: \_\_\_\_\_

Have you ever been evicted or asked to leave a residence?      Yes    No

Have you ever moved from a residence still owing money?      Yes    No

Explain: \_\_\_\_\_

\_\_\_\_\_.

#### IV. Employment History

Please complete the following for each job you have held since age 16, with the most recent first.

A. **Company:** \_\_\_\_\_ **Position:** \_\_\_\_\_

From (Month/Year): \_\_\_\_\_ To: \_\_\_\_\_ Salary: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Job Description: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Contact Telephone: \_\_\_\_\_

Reason for Leaving: \_\_\_\_\_

B. **Company:** \_\_\_\_\_ **Position:** \_\_\_\_\_

From (Month/Year): \_\_\_\_\_ To: \_\_\_\_\_ Salary: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Job Description: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Contact Telephone: \_\_\_\_\_

Reason for Leaving: \_\_\_\_\_

C. **Company:** \_\_\_\_\_ **Position:** \_\_\_\_\_

From (Month/Year): \_\_\_\_\_ To: \_\_\_\_\_ Salary: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Job Description: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Contact Telephone: \_\_\_\_\_

Reason for Leaving: \_\_\_\_\_

D. **Company:** \_\_\_\_\_ **Position:** \_\_\_\_\_

From (Month/Year): \_\_\_\_\_ To: \_\_\_\_\_ Salary: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Job Description: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Contact Telephone: \_\_\_\_\_

Reason for Leaving: \_\_\_\_\_

Employment History Continued

E. **Company:** \_\_\_\_\_ **Position:** \_\_\_\_\_

From (Month/Year): \_\_\_\_\_ To: \_\_\_\_\_ Salary: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Job Description: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Contact Telephone: \_\_\_\_\_

Reason for Leaving: \_\_\_\_\_

F. **Company:** \_\_\_\_\_ **Position:** \_\_\_\_\_

From (Month/Year): \_\_\_\_\_ To: \_\_\_\_\_ Salary: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Job Description: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Contact Telephone: \_\_\_\_\_

Reason for Leaving: \_\_\_\_\_

G. **Company:** \_\_\_\_\_ **Position:** \_\_\_\_\_

From (Month/Year): \_\_\_\_\_ To: \_\_\_\_\_ Salary: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Job Description: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Contact Telephone: \_\_\_\_\_

Reason for Leaving: \_\_\_\_\_

H. **Company:** \_\_\_\_\_ **Position:** \_\_\_\_\_

From (Month/Year): \_\_\_\_\_ To: \_\_\_\_\_ Salary: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Job Description: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Contact Telephone: \_\_\_\_\_

Reason for Leaving: \_\_\_\_\_

Employment History Continued

Any problems with contacting your current employer?	Yes	No
Have you ever been fired or asked to resign a position?	Yes	No
Have you every received any disciplinary action at work?	Yes	No
Have you ever stolen anything from your employer?	Yes	No
Have you ever quit a job without giving required notice?	Yes	No
Have you ever resigned a job in lieu of an investigation?	Yes	No
Have you ever resigned a job during an investigation?	Yes	No
Have you ever been accused of sexual harassment or racial bias by any co-worker, supervisor, or citizen?	Yes	No
Have you ever been given an unsatisfactory performance rating?	Yes	No
Have you ever sold or given away confidential information?	Yes	No
Have you ever been the subject of a written complaint?	Yes	No
Have you ever been counseled about lateness or absences?	Yes	No
Have you ever called in sick when you were not sick or caring for a sick immediate family member?	Yes	No
How many sick days have you taken in the past 5 years?	_____	

If you answered Yes to any of the above questions, please explain in detail:



**V. Military Service**

A. Have you ever served in the Military Yes No

(If "No" the skip to section VIII)

Branch: \_\_\_\_\_ Dates: \_\_\_\_\_

Discharge Type: \_\_\_\_\_

Are you currently a member of the Reserves or Guard? Yes No

Were you ever subject to any judicial or non-judicial disciplinary actions (court martial, captain's mast)? Yes No

If so, explain: \_\_\_\_\_

\_\_\_\_\_.

**VI. Traffic Record**

A. Have you held a driver's license in any other state? Yes No

If so, give state, dates, and number: \_\_\_\_\_

B. Has your driver's license ever been suspended or revoked? Yes No

If yes, give date, location and reason(s): \_\_\_\_\_

\_\_\_\_\_.

C. Vehicle Insurance Agent Name: \_\_\_\_\_ Phone: \_\_\_\_\_

D. Company Name: \_\_\_\_\_ Policy # \_\_\_\_\_

E. List any vehicles you own or regularly drive:

1. Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model \_\_\_\_\_

License Plate: \_\_\_\_\_ Date of Registration: \_\_\_\_\_

2. Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model \_\_\_\_\_

License Plate: \_\_\_\_\_ Date of Registration: \_\_\_\_\_

3. Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model \_\_\_\_\_

License Plate: \_\_\_\_\_ Date of Registration: \_\_\_\_\_

F. List, to the best of your memory, all traffic citations you have received, excluding parking tickets, including the location and dispositions.

G. Describe in a brief narrative any traffic accidents in which you have been involved, giving approximate dates and locations.

**VII. Membership in organizations (past and/or present)**

Provide details of any Social, Fraternal, or Professional Organizations to which you have belonged.

A. Name: \_\_\_\_\_

Address: \_\_\_\_\_

Type (Social, Professional, Fraternal, etc.) \_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_

B. Name: \_\_\_\_\_

Address: \_\_\_\_\_

Type (Social, Professional, Fraternal, etc.) \_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_

C. Name: \_\_\_\_\_

Address: \_\_\_\_\_

Type (Social, Professional, Fraternal, etc.) \_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_

D. Name: \_\_\_\_\_

Address: \_\_\_\_\_

Type (Social, Professional, Fraternal, etc.) \_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_

Have you ever held membership in any organization which advocated the overthrow of the government of the United States or disputed the claims of either the United States or State of Texas authority to govern?      Yes    No

**VIII. Social Media**

A. List all the Social Media sites you own, operate or post to and the user name used at each: (Facebook, myspace, blogs, websites, etc.)

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**IX. Civil Litigation:**

Have you ever been involved as a party in civil litigation?                      Yes    No  
(other than divorce)

If yes, give details: \_\_\_\_\_

---

**X. Marital and Family History**

A. Are you: ( ) Single, ( ) Engaged, ( ) Married, ( ) Separated, ( ) Divorced, ( ) Widowed

B. If engaged: Name of Fiancee: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

C. If married: Date: \_\_\_\_\_ City & State: \_\_\_\_\_

Spouse's Name (Wife's Maiden Name): \_\_\_\_\_

Address (if not living with you): \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_

D. If ever separated, divorced, or widowed (complete for each marriage and/or divorce):

1. Date of Marriage: \_\_\_\_\_ City & State: \_\_\_\_\_

Spouse's Name (Wife's Maiden Name): \_\_\_\_\_

Present Address : \_\_\_\_\_

Home Phone Number: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Separated, Divorced, or Annulled (state): \_\_\_\_\_

Date of Order or Decree: \_\_\_\_\_ Court & State: \_\_\_\_\_

2. Date of Marriage: \_\_\_\_\_ City & State: \_\_\_\_\_

Spouse's Name (Wife's Maiden Name): \_\_\_\_\_

Present Address : \_\_\_\_\_

Home Phone Number: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Separated, Divorced, or Annulled (state): \_\_\_\_\_

Date of Order or Decree: \_\_\_\_\_ Court & State: \_\_\_\_\_

Use reverse if necessary for additional.

E. List all children related to you or your spouse (natural, step-children, adopted and foster children).

1. Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Relation: \_\_\_\_\_ Supported By Whom: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_ Zip: \_\_\_\_\_

2. Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Relation: \_\_\_\_\_ Supported By Whom: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_ Zip: \_\_\_\_\_

3. Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Relation: \_\_\_\_\_ Supported By Whom: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_ Zip: \_\_\_\_\_

4. Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Relation: \_\_\_\_\_ Supported By Whom: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_ Zip: \_\_\_\_\_

F. List all other dependents.

Name: \_\_\_\_\_ Address: \_\_\_\_\_ Relation: \_\_\_\_\_

G. List other relatives in the following order: Father, Mother (include maiden name), brothers, and sisters. If deceased, so indicate. Include Father-in-law and Mother-in-law.

1. Name: \_\_\_\_\_ Relation: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone #: \_\_\_\_\_ Age: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

2. Name: \_\_\_\_\_ Relation: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone #: \_\_\_\_\_ Age: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

3. Name: \_\_\_\_\_ Relation: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone #: \_\_\_\_\_ Age: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

4. Name: \_\_\_\_\_ Relation: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone #: \_\_\_\_\_ Age: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

5. Name: \_\_\_\_\_ Relation: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone #: \_\_\_\_\_ Age: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

6. Name: \_\_\_\_\_ Relation: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone #: \_\_\_\_\_ Age: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

7. Name: \_\_\_\_\_ Relation: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone #: \_\_\_\_\_ Age: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

8. Name: \_\_\_\_\_ Relation: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone #: \_\_\_\_\_ Age: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

9. Name: \_\_\_\_\_ Relation: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone #: \_\_\_\_\_ Age: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

10. Name: \_\_\_\_\_ Relation: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone #: \_\_\_\_\_ Age: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

11. Name: \_\_\_\_\_ Relation: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone #: \_\_\_\_\_ Age: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

12. Name: \_\_\_\_\_ Relation: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone #: \_\_\_\_\_ Age: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**XI. Financial History**

A. Sources of Income:

1. What is your present salary or wages? \_\_\_\_\_

a. Do you have income from any source other than your principal occupation? (i.e. spouse's income) Yes No

If yes, How much? \_\_\_\_\_  
How often? \_\_\_\_\_  
The source? \_\_\_\_\_

2. What is your total monthly family income: \_\_\_\_\_

3. Do you own a home or any real estate? Yes No

Value \$ \_\_\_\_\_

4. Do you own any bonds, government or other? Yes No

Value \$ \_\_\_\_\_

5. Do you own any corporate stock? Yes No

Value \$ \_\_\_\_\_

6. Do you have a bank account? Yes No

Savings Account: Average Balance: \$ \_\_\_\_\_

Name/Address of Bank: \_\_\_\_\_  
\_\_\_\_\_

Checking Account: Average Balance: \$ \_\_\_\_\_

Name/Address of Bank: \_\_\_\_\_  
\_\_\_\_\_

Other Account: Average Balance: \$ \_\_\_\_\_

Name/Address of Bank: \_\_\_\_\_  
\_\_\_\_\_

7. List other assets:

**B. Financial Obligations:**

Give names and address of the individuals, companies, or others to whom you are indebted, and the extent of your debt. Include rent, mortgages, vehicle payments, charge accounts, credit cards, loans, child support payments, and any other debts and payments. Include account numbers where applicable.

Type (Mortgage, etc.)	Company Name	Reason for Debt or Item Purchased	Monthly Payment	Outstanding Balance

Have you ever declared bankruptcy? Yes No

Have you ever had overdue bills referred to a collection agency? Yes No

Have you ever had goods repossessed? Yes No

Have you ever had your wages garnished? Yes No



Have you ever been delinquent on income or other taxes?	Yes	No
Have you ever had an employment bond refused?	Yes	No
Have you ever moved to avoid a debt?	Yes	No
Have you ever defaulted on any loan?	Yes	No
Have you ever borrowed money to pay a gambling debt?	Yes	No
Do you currently have any outstanding gambling debts?	Yes	No
Are you late on any court ordered payments?	Yes	No
Have you ever written three or more bad checks in any one year?	Yes	No
How many bad checks have you written in the past two years?	_____	

If you answered Yes to any of the above questions please explain in detail:

**XII. Criminal History**

For any misdemeanor or felony in any jurisdiction, other than for a traffic offense, as a juvenile or adult, have you ever:

A. Been detained for investigation?	Yes	No
B. Been held by the police for suspicion?	Yes	No
C. Been questioned by police about a criminal offense?	Yes	No
D. Been fingerprinted?	Yes	No
E. Been arrested?	Yes	No
F. Been indicted?	Yes	No
G. Been criminally charged for any offense?	Yes	No
H. Been convicted of any crime?	Yes	No
I. Been placed on probation?	Yes	No
J. Been given deferred adjudication?	Yes	No

If you answered Yes to any of the above questions, please explain, (use reverse side if necessary):

Have the police been called to your home for any reason?	Yes	No
Have you or your spouse been referred to CPS?	Yes	No

Have you ever been the subject of a protective or restraining order? Yes No

Have you fraudulently received welfare, unemployment compensation,  
Worker's compensation, or other state or federal assistance? Yes No

Have you ever filed a false worker's compensation claim? Yes No

If you answered Yes to any of the above questions, please explain:

In the past 10 years or anytime as a police officer, have you committed any of the following acts:

Annoying or Obscene phone calls Yes No

Misdemeanor Assault Yes No

Carrying a handgun without a license Yes No

DWI or DUI Yes No

Drunk in Public Yes No

FLID or FSRA Yes No

Impersonating a Police Officer Yes No

Indecent Exposure Yes No

Misdemeanor Theft Yes No

Trespassing Yes No

Use or possession of a vehicle without owner's permission Yes No

Prostitution or solicitation of a prostitute Yes No

Intentionally writing a bad check Yes No

Vandalism Yes No

If you answered Yes to any of the above questions, please explain in detail. (use reverse if necessary)

At any time in your life have you ever committed the following acts:

Accessing or possessing child pornography Yes No

Child molestation or any sexual offense with a child Yes No

Burglary	Yes	No
Robbery	Yes	No
Sexual Assault or any sexual offense	Yes	No
Perjury	Yes	No
Insurance Fraud	Yes	No

If you answered Yes to any of the above questions, please explain in detail. (use reverse if necessary)

**XIII. Drug Usage:**

A. Have you ever used controlled substances deemed illegal by State or Federal government including but not limited to the following (without prescription):

- |                      |    |     |               |
|----------------------|----|-----|---------------|
| a. Marijuana         | No | Yes | #Times: _____ |
| b. Hashish           | No | Yes | #Times: _____ |
| c. "Speed"           | No | Yes | #Times: _____ |
| d. Methamphetamine   | No | Yes | #Times: _____ |
| e. Cocaine           | No | Yes | #Times: _____ |
| f. LSD               | No | Yes | #Times: _____ |
| g. Ecstasy           | No | Yes | #Times: _____ |
| h. PCP               | No | Yes | #Times: _____ |
| i. Peyote            | No | Yes | #Times: _____ |
| j. Mushrooms         | No | Yes | #Times: _____ |
| k. Quaaludes         | No | Yes | #Times: _____ |
| l. Barbiturates      | No | Yes | #Times: _____ |
| m. Tranquilizers     | No | Yes | #Times: _____ |
| n. Heroin            | No | Yes | #Times: _____ |
| o. Any Designer Drug | No | Yes | #Times: _____ |
| p. Steroids          | No | Yes | #Times: _____ |
| q. Any illegal drug  | No | Yes | #Times: _____ |

(Specify) \_\_\_\_\_

B. Have you ever sold or bought any controlled substances deemed illegal by State or Federal government including but not limited to the above?

Yes No

1. If yes, explain – Use back if necessary:

C. Have you ever inhaled (paint, glue, any petroleum product)? Yes No

If yes, explain in detail, and when was last time?

D. Have you ever abused any prescribed medication or taken medication prescribed for another person? Yes No

If yes, explain in detail:

E. Have you ever been addicted to a drug prescribed by a doctor? Yes No

If yes, explain in detail:

F. Do others use drugs in your presence? Yes No

If yes, explain in detail:

G. Have you ever furnished or held drugs or narcotics for anyone? Yes No

If yes, explain in detail:

H. Do you use alcoholic products? Described the use: Yes No

If yes, explain in detail:

I. Have you ever used cough medicine as a stimulant? Yes No

If yes, explain in detail:

#### **XIV. Law Enforcement History**

List any other public safety organizations or entities with which you have applied (Police Departments, Fire Departments and Departments of Public Safety etc.). Include ALL applications, including being hired or rejected for whatever reason.

Agency	Result of Application	Application Date (Month/Year)

**XV. References**

related List five (5) personal references. These persons MAY NOT be relatives, OR to you by marriage and may not live with you currently.

A. Name: \_\_\_\_\_ Relationship to applicant:  
\_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Years Known: \_\_\_\_\_

B. Name: \_\_\_\_\_ Relationship to applicant:  
\_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Years Known: \_\_\_\_\_

C. Name: \_\_\_\_\_ Relationship to applicant:  
\_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Years Known: \_\_\_\_\_

D. Name: \_\_\_\_\_ Relationship to applicant:  
\_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Years Known: \_\_\_\_\_

E. Name: \_\_\_\_\_ Relationship to applicant:  
\_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Years Known: \_\_\_\_\_

F. Name: \_\_\_\_\_ Relationship to applicant:  
\_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Years Known: \_\_\_\_\_

G. Name: \_\_\_\_\_ Relationship to applicant:  
\_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Years Known: \_\_\_\_\_

# SOCORRO POLICE DEPARTMENT

## Photographic Lineup Form

Case Number: \_\_\_\_\_

**Admonition: Read the following to the witness:**

1. You will be shown a number of photographs.
2. I have been asked to show these photographs to you, but I do not know the identity of the perpetrator.
3. These photographs are numbered, and I will show them one at a time, in a random order. Please take as much time as you need before moving to the next photograph.
4. All of the photographs will be shown even if an identification is made.
5. The person who committed the crime may or may not be in this lineup and you should not feel compelled to choose anyone.
6. Regardless of whether you make identification, we will continue to investigate this incident.
7. If you recognize anyone, please tell me which photograph you recognize and how or why you recognize the individual.
8. You should not discuss the identification procedure or its results with other eyewitnesses involved in the case and should not speak with the media regarding any identification you may make.
9. I am required to ask you to state in your own words, how certain you are if you make an identification.

I, \_\_\_\_\_ understand the above information.

Lineup Administrator: \_\_\_\_\_

Order of Photographs shown: \_\_\_\_\_

**Statement of Victim/Witness:**

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock (\_\_.m), I viewed a Photo lineup. This lineup was shown to me at \_\_\_\_\_ and it contained photographs of \_\_\_\_ persons.

I did identify the person with the number \_\_\_\_.

Identification comments / Level of certainty: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I was unable to positively identify any of the persons in the lineup.

Viewer's Signature: \_\_\_\_\_



Other persons in attendance during lineup

Name and Address: \_\_\_\_\_

Name and Address: \_\_\_\_\_

**\*\*\* Prisoner Intake Form\*\*\***

**Socorro Police Department  
PROPERTY ROOM INSPECTION REPORT**

Date: \_\_\_\_\_ Property Custodian:  
\_\_\_\_\_

Inspector Name: \_\_\_\_\_ Rank/Position:  
\_\_\_\_\_

Inspection process requires Inspector to review of Property and Evidence handling procedures prior to Inspection and detailed inspection of property and evidence handling to ensure compliance with those procedures. Inspections conducted at least bi-annually.

Written Property and Evidence Procedures Reviewed: Y N Date:  
\_\_\_\_\_

- |  |   |
|--|---|
| 1. Is Property Room maintained in a secure manner?<br>N<br>Comments:   | Y |
| 2. Is the alarm system working as intended (if so equipped)?<br>N<br>Comments: Last Tested: _____  | Y |
| 3. Is sign-in log being utilized and properly completed?<br>N<br>Comments:   | Y |
| 4. Review recent Property submissions by officers. Is property<br>N<br>being submitted properly?<br>Comments:  | Y |
| 5. Observe Property Custodian process one item from receipt to<br>N<br>storage. Were proper procedures followed?<br>Comments:                        | Y |
| 6. Locate a property item identified for disposal. Were proper<br>N<br>procedures followed, including disposal authority and paperwork?<br>Comments: | Y |
| 7. Is the property room clean, free from trash, and all property and<br>N<br>evidence properly processed and stored? (No Backlog)                    | Y |

8. Is property being processed for disposal in a timely manner? Y

N

Last property disposal date: \_\_\_\_\_ Next: \_\_\_\_\_

Comments:

9. Select at least one item of property from the listed categories below, review the property and evidence paperwork and request the item be located. Determine if property is properly packaged, processed and properly stored and located.

Item Type	Report/Invoice#	Pkg'd Properly	Processed	Stored	Located
Money	_____	_____	_____	_____	_____
Jewelry	_____	_____	_____	_____	_____
Handgun	_____	_____	_____	_____	_____
Long Gun	_____	_____	_____	_____	_____
Random	_____	_____	_____	_____	_____

Comments:

Inspector Signature:

Date:

# SOCORRO POLICE DEPARTMENT

## Vehicle Pursuit Supplement

**Pursuit:**

Date: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_ Day of Week: \_\_\_\_\_

Arr/Off#: \_\_\_\_\_

Beginning Location:

Ending Location:

Reason for Pursuit:

Initiating Officer: \_\_\_\_\_ # \_\_\_\_\_ Secondary Officer:

\_\_\_\_\_ # \_\_\_\_\_

Controlling Supervisor: \_\_\_\_\_ # \_\_\_\_\_

**Conditions:**

	Weather	Road	Visibility	Traffic	
Pedestrian	<input type="checkbox"/> Cold	<input type="checkbox"/> Dry	<input type="checkbox"/> Clear/Daylight	<input type="checkbox"/> Light	<input type="checkbox"/>
Light	<input type="checkbox"/> Cool	<input type="checkbox"/> Rain/Wet	<input type="checkbox"/> Fog/Smoke	<input type="checkbox"/> Medium	<input type="checkbox"/>
Medium	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heavy	<input type="checkbox"/> Warm	<input type="checkbox"/> Ice/snow	<input type="checkbox"/> Dawn/Dusk	<input type="checkbox"/> Heavy	<input type="checkbox"/>
	<input type="checkbox"/> Hot	_____	_____	_____	

**Route and Distance:**

Route:

Total Distance: \_\_\_\_\_ High Speed: \_\_\_\_\_ Total time:

**Tire Deflation Devices:**

Tire Deflation Devices Used:  Used  Attempted  Not Attempted Effective:

Yes No

Reason:

**Termination of Pursuit:**

**Method of Termination**

Stopped Voluntarily  Mechanical Failure  Collision  With Officer

Terminated by Officer       Terminated by Supervisor       With Fixed  
Obj/Loss Control       Other: \_\_\_\_\_       With Citizen  
Vehicle

**Results of Pursuit:**

Suspect:     Evaded     Arrested    Charges: \_\_\_\_\_

Property Damage:     None     Damage: \_\_\_\_\_

Injury:     None     Injuries: \_\_\_\_\_

**Suspect:**

Yes    
Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_ Injured:   
No

**\*\*\* Full Narrative of Pursuit in Arrest or Offense Report - Attach Copy to this Supplement \*\*\***

**\*\*\*Officers should indicate any other significant events which occurred in the narrative\*\*\***

**Supervisor:**

Total Units engaged Code 3: \_\_\_\_\_ Total Code 3 at any one time: \_\_\_\_\_

Video Reviewed

Comments: \_\_\_\_\_

Compliance with Policy

Supervisor: \_\_\_\_\_ # \_\_\_\_\_  In  Further

Investigation Needed

Reviewed: \_\_\_\_\_  In Compliance

Investigation Needed

Patrol Lieutenant

Reviewed: \_\_\_\_\_  In Compliance

Investigation Needed

Chief of Police

***SOCORRO***  
***POLICE DEPARTMENT***

**Field Training**  
**Program**  
**Manual**

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# **CHAPTER 1**

## **INTRODUCTION AND PROGRAM OVERVIEW**

**FIELD TRAINING PROGRAM**

## *INTRODUCTION*

The Socorro Police Department Field Training Program is an approach to the field training of recruit officers based on a system of formal, standardized and structured teaching and evaluation. The demands placed on police officers in today's society require them to gain a vast amount of knowledge. To be effective and safe, they must learn and be able to relate that knowledge to field situations. The learning process, which begins in the classroom at the Police Academy, will continue to be integrated with practical field instruction. The result will be a recruit who has been thoroughly trained and who is confident and efficient.

The Field Training Program is a vital part of the total selection process of a police officer. Only when the pre-employment selection process, the academy training, and the field training are based on fair and equitable standards is the system valid. The demand for a standardized field-training program is clear and necessary if it is to be a part of the selection process. The courts, community groups, and the recruits themselves have and will challenge an inadequate or faulty system. The Field Training Program is designed to meet these challenges.

The Program requires four groups of people to combine their efforts to ensure its success. The Recruits, the Field Training Officers, and the FTO Supervisor.

The recruit, being the primary target of the Program, undergoes sixteen (16) weeks of field training. The objective of the Program is to produce a police officer at the end of this sixteen-week period, which can function in a safe, skillful, and professional manner. Documentation checklists guide the instruction.

The first phase is three (2) weeks long, beginning with two (2) days of orientation, during which the recruit is not evaluated. The second and third phases are five (5) weeks in duration. Should there be correctable problems, the recruit may be reassigned to an FTO for remedial training. The recruit then enters a two-week evaluation-only phase. After passing his evaluation, he is assigned to patrol to complete probation. Only when it has been demonstrated that the standards can be met is a recruit graduated from field training to full duty. Should the recruit be unable to

meet the standards, termination may result. The documentation to support the FTO, Supervisor, and Department should be present and capable to stand the test of validity.

The Field Training Officer is the coach, instructor, documenter, evaluator, and the key to the Program. The training of the recruit places greater demands on the FTO. Therefore, the selection process of the FTO is demanding. The process requires an application, an appraisal recommendation by supervisors through the chain of command and found acceptable by the Chief of Police.

The FTO Sergeant is a coach, documenter, motivator, and evaluator. His interest and dedication are of paramount importance for the success of the Program. Working closely with both the recruit and FTO, he observes, corrects, and guides both toward their goals. As an evaluator, he is in a position to measure both the recruit and FTO. He reviews, compiles, and monitors all recruit evaluations ensuring fairness and impartiality. Through frequent contact, he will be the synthesizing factor to relate the Program objectives to the recruit and FTO. The FTO Sergeant should also derive satisfaction from the knowledge that his efforts today dramatically affect the quality of our Department in the future.

The combined efforts of all personnel who are a part of the Program are necessary to ensure its success. While only a few are directly involved, indirectly every member of the Department will benefit to some degree. The success of the Field Training Program will be evident for years to come through the professional police officers developed by the Socorro Police Department.

## *INDOCTRINATION TO TRAINING*

The Recruit's first few days in the Field Training Program are the most critical from the standpoint of learning and development. It is during this period that important attitude and behavior patterns are established. During the first days of training, the Recruit forms permanent attitudes. This is also the time when the Recruit learns what is expected during training, and during his whole patrol career. The Recruits expect to be challenged, and they expect to be properly trained by superiors. Any comments superiors make about them or about their performance will likely be taken very seriously. They will be very concerned about meeting the requirements of the Training Program and following the instructions of the FTO. They all want to succeed.

Even though a Recruit should be expected to conform to the training regimen, the FTO should realize that there are natural forces that work on the Recruit that make his first days in training more difficult than they would otherwise be as well as decrease the quality of their performance. The new Recruit is faced with starting a new job, or for the Recruit, who comes from another shift, he is faced with starting a new situation. To compound the situation, many new Recruits are starting their first real jobs. They do not have prior work experience to guide their behavior and performance. They do not know what to expect either.

The FTO's should remember how they felt when they began training and will better appreciate the Recruit's predicament. The Recruit's problems and fears can be allayed by the simple application of a little understanding by the FTO. The Recruit should not be pampered, but should be treated in a realistic, understanding manner.

During the initial orientation process, the FTO should also establish a friendly, open, and professional rapport with the Recruit. Development and learning come through effective communication. Rapport is important to communication because people are not likely to share their ideas, questions, or feelings unless they feel their listener is open or sympathetic to their conversation.

The FTO should also convey a positive attitude that the Recruit can succeed in the Program. A Recruit needs to know that the FTO wants him to succeed and that the FTO will help him to succeed. Everyone needs to know that they have an even chance of success.

It is particularly important that an FTO maintain a positive and objective attitude when a Recruit is received who has not performed well with another FTO. The new FTO should give the Recruit every opportunity to succeed. The FTO should not be prejudiced based on prior performance or rumors. He should base all judgments on independent observations, not on another's comments. It is entirely possible that the change of FTO's and the application of a positive attitude by the new FTO may in themselves be sufficient to elicit acceptable performance from the Recruit. The emphasis should be put on developing a viable, competent police officer.

Sufficient flexibility has been designed into the Program so that individual needs of the Recruit and that overall needs of the Department can both be met. It is incumbent upon the supervisor and the FTO to work within acceptable limits and to apply an individual training approach to each recruit so that he can fully develop during training. Again, the atmosphere should be one in which the Recruit has the maximum opportunity to succeed.

The FTO should use training methods that are conducive to producing a successful Recruit. This latter point cannot be overemphasized. All too often, ineffective or counterproductive stress-training methods are used. The use of loud profanity, table pounding, or humiliation tactics should not be relied upon. These methods do not contribute to good learning, nor do they place the Recruit in a proper state of mind. They have no place in the daily training routine. Instead, an FTO should seek to reinforce the positive attributes or accomplishments, rather than to constantly downgrade the weaknesses.

Remember that people respond much more quickly to a positive statement than to a negative one. Above all, within the limits of good judgment, an FTO should use good, realistic, and established training methods that are conducive to the Recruit's needs and development as a patrol officer.

In summary, the FTO should recognize that the first few days of training are critical. The FTO must apply an effective orientation process that adequately takes into account the very real and natural forces that serve to lessen a Recruit's performance. The FTO Team should work to create a positive learning environment that suits the individual characteristics and development of the Recruit. Above all, the FTO Team should use a selection of good, reliable, and acceptable training techniques that are most conducive to producing a viable, competent police officer with a professional orientation.

# **CHAPTER 2**

## **SELECTION PROCESS**

## FIELD TRAINING OFFICER

### INTRODUCTION

The Field Training Officer must have the combined skills of an experienced police officer and a patient teacher/coach. He must be a leader and a “Role Model” not only for the Recruit but his peers as well. The FTO’s job is particularly difficult because he will be required to supervise the Recruit but temper this supervisory image with empathy for the new employee. Motivation and innovation are two other character traits that the FTO should possess and pass on to the Recruit. With these responsibilities in mind, one can see why the selection process is vital and must cover numerous aspects of the officer’s past and present career as well as his attitudes and expectations for the future.

The following pages of this chapter outline and explain the selection process of the Field Training Program. Adherence to this process coupled with dedication and determination by those involved in it will ensure the appointment of only the most qualified personnel to the position of Field Training Officer.

### MINIMUM REQUIREMENTS

The following requirements must be met before the FTO is permitted to train a recruit:

- A. Two years of service with the Socorro Police Department as a commissioned officer.
  - 1. Officers with less than two years can be considered if the needs of the Department warrant the selection.
- B. Must be recommended by their chain of command.
- C. New applicants meeting the requirements will be interviewed by the Chief. If an applicant was an FTO before, they will be considered by the Chief.
- D. Applicants selected to become FTOs must successfully complete:
  - 1. An approved FTO school.



## **FTO SELECTION PROCESS**

- A. 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.
- B. When an opening exists, the Chief of Police will solicit recommendations from departmental supervisors.
- C. The Chief will review prior performance evaluations, activity levels, any complaints and commendations as well as advanced training.
- D. The Chief will interview potential candidates and make a determination based on the best interests of the department.

## **REMOVAL / WITHDRAWAL FROM PROGRAM**

- A. Officers who fail to perform satisfactorily in the FTO position will be removed from the program by the Chief of Police.
- B. Officers who want to withdraw from the FTO program should submit a memo to the Chief indicating their desire to withdraw. The memo should be routed through the FTO Sergeant on the officer's shift.

**CHAPTER 3**

**MANAGEMENT OF**

**THE FIELD TRAINING PROGRAM**

## **FIELD TRAINING PROGRAM**

### ***INTRODUCTION***

Management of the Field Training Program requires the cooperative effort of all members of the Patrol Division.

The recruit will be assigned to the Patrol Division to continue training which began at the Police Academy. The FTP, being the next step in training, is designed to provide each recruit the necessary instruction and guidance to meet the standards of the Department. The Academy prepares the recruits through classroom instructions and simulation exercises. The FTP will complement and build on this preparation through field instructions. The recruit and all supervisors should view the sixteen (16) weeks of field training as part of the total selection process of becoming an Socorro Police Officer.

The management of the Field Training Program as discussed in this chapter is intended to guide and aid in coordination of the Program. One objective of the Program is to standardize the field training of all recruits and develop consistency throughout the program. Only by employing guidelines set out in this chapter can the objectives be achieved.

***RECRUIT ORIENTATION (By the FTO Supervisor on first day of Field Training)***

- A. The orientation should include, but is not limited to, the following:
  - 1. The philosophies of the Department should be conveyed.
  - 2. The FTO's role and responsibilities in relation to the recruit and the program
  - 3. Steps the recruit may take to resolve conflicts or receive assistance to problems encountered during training.
  - 4. He should be informed again of the reporting time to his assigned watch, and what rotation schedule he will follow.
  - 5. The on duty lieutenant should add to this orientation, items that are of importance to his shift.
  
- B. During the orientation, the orientation form contained in the Recruit Officers Training Manual will be completed and signed. The form will remain in the manual and be a part of the Training File. (See Form 3-1)

## ORIENTATION

1. The Field Training Officer is your immediate "supervisor". You will follow his directions/orders at all times during any police incident. He is responsible. If you have any questions regarding the actions he has you take, discuss them with the Field Training Officer when the incident has been brought to a conclusion.
2. If at any time you and the Field Training Officer do not agree and cannot resolve the dispute, both will report to the FTO Sergeant.
3. Maintenance of the Field Training Guide is your responsibility.
4. It is your responsibility to know at all times if you are or are not making satisfactory progress in your training. The Field Training Officer will be keeping documentation on a daily basis of your progress, strengths and/or weaknesses.
5. You will adhere to the General Orders and Patrol Division Standard Operating Procedures, by immediately reporting to a supervisor, infractions occurring in your presence.
6. Reporting Date \_\_\_\_\_ Time \_\_\_\_\_

SIGNED: Recruit Officer \_\_\_\_\_  
Date \_\_\_\_\_

I have explained the above items to Recruit Officer \_\_\_\_\_

SIGNED: FTO Team Supervisor \_\_\_\_\_  
Date: \_\_\_\_\_

(FORM 3-1)

## **RECRUIT PHASE ROTATION**

- A. The recruits will be assigned to a FTO by the FTO Supervisor.
- B. Each recruit will rotate through the following schedule:
  - 1. Phase I Four (4) weeks FTO 1
  - 2. Phase II Five (5) weeks FTO 2
  - 3. Phase III Five (5) weeks FTO 3
  - 4. Phase IV Two (2) weeks FTO 1
- D. A remedial training assignment approved by the FTO Supervisor may be made with any FTO.
- E. Should a recruit require intensive remedial training, he may be removed at any point in Phase I through II for a period not to exceed four weeks. The Daily Observation Report will reflect which phase the recruit is in. (Example - "Phase 2 IRT - Wk 1")

# **CHAPTER 4**

## **PROGRAM OPERATING PROCEDURES**

## **FIELD TRAINING PROGRAM**

### ***PROGRAM STRUCTURE AND DURATION***

The recruit will be introduced to the Field Training Program following graduation from a Police Academy. Actual field training with an FTO will begin as soon as possible taking into account the recruit's need to have a full pay period. The Program will then continue for approximately sixteen (16) weeks.

The Field Training Program is divided into four periods, which will be known as "phases." Each phase except Phase IV finds the recruit with a different FTO. At the inception of Phase IV, the recruit transfers back to their original FTO for an "Evaluation Only" phase, unless a transfer or serious problem prevents their return.

Following the completion of the academy, recruits will be required to complete an in-service school for an additional eight weeks training. The school may be during any phase of training. The in-service school time will not detract from the sixteen week Field Training period. Upon completion of the in-service school, the D.O.R. will show the phase and week the recruit would be starting if the field training had not been interrupted. (Example: Phase I, Week 3). The D.O.R. will be completed by the FTO who was training the recruit at the start of the school. No weekly observation report will be completed by FTO Sergeants during in-service training.

In the following paragraphs, the four phases are identified and explained:

#### Phase I

The first two days of Phase I is known as an "Orientation Period." During this interval, the recruit will not be evaluated by the FTO or the sergeant.

At any time during field training, the FTO may clear "one-man, with a recruit observer," to ensure that adequate cover is assigned to calls for service. This option is important to the FTO until they can adequately assess the capabilities of their assigned recruit. The recruit trains in Phase I with the first FTO for four calendar weeks.



## Phase II

During the final weeks of Phase I, the recruit will be informed of their training assignment for Phase II. It will be the responsibility of the recruit to contact the FTO Supervisor to determine their days off and the date to report for duty.

The FTO and sergeant should ensure that the recruit has had adequate exposure and is progressing satisfactorily before they are allowed to complete Phase II. The recruit must receive a rating of four (4) or better in all rating categories on the Phase II End-of-Phase Evaluation report in order to proceed into Phase III

During Phase II, it is a logical place to remove the recruit from the Program schedule and inject them into remedial training if they are demonstrating a deficiency that must be overcome before Program completion. In fact, this must be done if the recruit would not receive the required evaluation of all fours in all categories on the Phase II End-of-Phase Evaluation Report. Phase II is five calendar weeks in duration.

## Phase III

Phase III is the last phase during which the recruit will receive intensive training from the FTO. Phase III is five weeks long. The recruit should be given more responsibility for handling calls start to finish during this period.

## Phase IV

The final time period in the program is Phase IV, the "Evaluation only" phase. During Phase IV, the recruit is assigned to the Phase I FTO, if at all possible. Phase IV begins in the fourteenth week in the FTO Program and is two calendar weeks in length.

In Phase IV, the recruit will be expected to perform almost entirely on their own. The FTO will be along merely as an observer and evaluator but shall at all times maintain override discretionary control: i.e., they should intervene when necessary to preserve safety, the integrity of the Department, or prevent irreversible error on the part of the recruit. Otherwise, the FTO should allow the recruit considerable leeway and encourage initiative and independent action by the recruit. To adequately assess the recruit, the FTO may clear "one-man with an FTO Observer" to

allow the recruit to function in a "one-man" status.

### *ABBREVIATED PROGRAM AND REQUIREMENTS FOR ACCEPTENCE*

To be eligible for participation in the Socorro Police Department's abbreviated program, the Recruit will have been a certified Peace Officer immediately prior to being hired and working as a Peace Officer in a job with duties similar to those of a Socorro Police Officer for at least two years. The Recruit will start the Abbreviated Training Program, which will be two weeks in Phase 1, two weeks in Phase 2, two weeks in Phase 3, and two weeks in Phase 4, for a total of eight weeks.

If at the end of Phase 1 the Recruit is not scoring "4" or better on all categories of the DOR, the Recruit will be removed from the Abbreviated Training Program, and commence the normal 16 week training cycle. During the Abbreviated Training Program the Recruit can be allowed two weeks of IRT. If that time is insufficient the Recruit will commence with the 16-week training program at the appropriate point in the training cycle. The Recruit will have to attend the Socorro Police Department In-Service school prior to being completely on their own.

## ***RECRUIT SCHEDULING***

This program is built on a foundation of consistency and standardization. The program cannot set a specific policy on how many FTO's a recruit should work with. There are too many variable factors involved to establish a strict guideline. The FTO Sergeant has the primary responsibility for scheduling of the recruit to an FTO and should plan ahead, using good judgment as their primary objective.

The FTO Sergeant must keep in mind that there is no problem in the FTO's taking leave time that is due them. However, the supervisor granting the leave should ensure that the recruit is not "bounced" from one relief FTO to another. As a general rule, supervisors granting leave of two or more days should schedule the recruit with a single relief FTO, if possible. If need be, the recruit's days off can be adjusted to meet this goal.

Recruit leave time (other than scheduled holidays) should be kept to an absolute minimum. It is important that the recruit receive as much practical field exposure as possible during this training cycle. The recruit should be granted leave time (compensatory days and vacation) only when it is in the best interest of the recruit and the Department.

## ***THE CONCEPT OF TRAINING***

Before the Field Training Officer can begin to evaluate the recruit's performance, the FTO must establish their goals for the training of the recruit. Training is stressful, not only for the student, but for the teacher as well. Without a solid foundation to build upon, the transfer of experience and knowledge can become a taxing responsibility. The FTO's goals should boil down to two basic points:

- a. Teach the recruit how to apply the theory he has learned in the academic setting to the real world; and
- b. Teach the recruit how to be a good researcher, (i.e., where or who do they go to obtain information).

First, the FTO should realize that the hardest thing for a recruit officer to learn, might well be the ability to make a decision and then act on it. Laws, rules, and policies are necessary to function in a civilized world, but they cannot account for every possible situation where people are involved. The FTO must be able to pass their experience and judgment ability on the recruit.

Second, most individuals have a limited capacity to memorize and retain data. Memorization of information should be limited to areas of safety and repetitious work tasks. The department provides all officers with copies of our Policies, Texas Penal Code, SOP, etc. The recruit should have a working knowledge of all patrol policies and procedures. The recruit should be taught areas of expertise each unit has within the department. In other words, teach the recruit how to find information as well as developing memorization skills.

On-the-job training is difficult because it takes so much more patience to allow the student to perform the task. Not only does it take longer to accomplish the task, but at times can threaten the nerves or even safety of the trainer. Therefore, it is clear that the FTO must have the dedication, commitment, and pride to mold the finest officers possible for the department.

## ***THE EVALUATION PROCESS***

### **INTRODUCTION**

Each recruit's progress as they proceed through the Program, is recorded through written evaluations. The evaluation process is equally as important as the training process, and, as such, has been given great attention.

Evaluations have many purposes, the obvious one being to record a recruit's progress; but there are others as well. Evaluations are excellent tools for informing the recruit of their performance level at a given point in time. They are also efficient devices for identifying training needs and documenting training efforts. In a word, evaluation represents feedback.

Collectively, over the duration of the Program, evaluations tell a story, both categorically and chronologically. They tell of a recruit's success and failures, improvements and digressions, and of the attempts to manage each of these occurrences. They chronicle skill and efforts of the FTO as well. Evaluations are critical in the career of each new officer and should be treated as such. Honest and objective evaluations of recruits shall be a prime consideration of all members of this program.

Under this program, only the performance of the recruit, that the FTO can note through their five (5) senses can be rated and thus documented. Performance noted outside the FTO's personal knowledge zone must be documented by those individuals involved. This documentation may be in a memorandum format or on a "Narrative Comments" continuation form, where another FTO observes the performance.

Each recruit will be evaluated over a number of categories. These categories cover as much as each aspect of the police environment and responsibilities as can be expected. The Socorro Police Department has selected twenty-five categories as the basis for evaluating a recruit's performance while they are in the Program. These criteria which have formed the basis for recruit evaluation in police departments throughout the nation are found on the Socorro Police Department's "Observation Report." (See Form 4-1 and 4-2)

To ensure that the "Observation Report" and each rating of a recruit will be equally standard throughout the Department, Standardized Evaluation Guidelines have been established (See Chapter 5). The Standardized Evaluation Guidelines are actually behavioral anchors.

They provide a definition of unacceptable, acceptable, and superior levels of performance for each of the twenty-five categories. The standards set out in the "Guidelines" must be applied to all recruits regardless of their experience level or other incidental factors. By the strict application of the behavioral definitions contained in the "Guidelines", the rating of any given recruit performance by one FTO should match that of any other FTO. With this approach to evaluation, one may be assured that ratings through the Division are impartial, objective, uniform, and therefore, valid.

#### A. Evaluation Frequency

Sergeants' complete weekly evaluations while the recruit is in training with an FTO, the ultimate responsibility for evaluating a recruit's performance lies with the FTO.

Field Training Officers complete a daily evaluation on each recruit. The form used for this purpose is the "Observation Report." The "Observation Report" is a dual-purpose form in that it can be used for daily evaluations and end-of-phase evaluations by the FTO. This form must be completed at the end of each shift and not left, except for extraordinary circumstances, to a later time. This provides an opportunity for the recruit to ask questions that they failed to ask earlier in the day and also serves to reinforce instructions and critiques that were given during or after each incident.

Daily Observation Reports (DOR's) are completed each day that the recruit works in the Field Training Program beginning with day one in Phase I and continuing through the last day of Phase IV. (See forms 4-1 and 4-2). Even though the recruit's first two days are orientation days, the DOR's will be completed in heading only and signed by the recruit and FTO. A notation, "Orientation Day" should be made of the form. Additionally, the FTO is responsible for submitting a D.O.R. for any absences other than regularly scheduled days off. The purpose of this

is to document continuity and progression of the recruit through the schedule. A "Narrative Comments" continuation form is also available that can be utilized with any program forms (See Forms 4-3

and 4-4).

The second type of evaluation done by the FTO is the "End-of-Phase" (E.O.P.) evaluation. Submitted on the "Daily Observation Report" (D.O.R.) form, the "End-of-Phase" is a summation of the recruit's performance during the phase.

While produced on the same form, there is a distinct difference and purpose in the D.O.R. and E.O.P. reports. The D.O.R. is intended to be an objective appraisal of the recruit's performance for a specific day's work. The appraisal must be based on specific factual performance experienced by the FTO and recruit.

The E.O.P. is intended to be more of a cumulative appraisal, covering the overall performance of the recruit during that phase. This appraisal will assess the overall performance, capabilities, and remediation to date. As a general rule, the FTO should address the strengths and weaknesses in narrative form.

The FTO Sergeant is responsible for completing a weekly evaluation for the recruit while the recruit is in training with an FTO. This weekly evaluation is submitted on the "Weekly Observation Report" and is a collection of the sergeant's personal, first-hand observations of the recruit's performance (See Form 4-5). These first-hand observations may involve personal interaction with the FTO and recruit in resolving a deficiency. The sergeant is not required to actually "observe a deficient performance" before addressing the item in their report. The main purpose of this report is that the first-line supervisor acknowledges the recruit's assignment, notes any personal interaction with the FTO and/or recruit, and makes a weekly overall assessment of the recruit's performance. The "Weekly Observation Report" will be submitted at the end of each training week. A training week is a full workweek, regardless of the days off of the recruit, the FTO, or the Sergeant.

#### PROBATIONARY OFFICER EVALUATION (After FTO Program)

Following the release of the recruit from the FTO Program, the assigned Patrol Sergeant will complete monthly observation reports and an end of probation report (using the monthly form) on the

probationary officer (See Form 4-6, 4-7). This form of evaluation will be based on, but not limited to, the Sergeant's personal, first-hand observations of the recruit's performance. The first-hand observations may involve personal interaction with the recruit in resolving a deficiency. The Sergeant is not required to actually "observe a deficient performance" before addressing the item in their report. The Sergeant will use the appropriate categories of the Standard Evaluation Guidelines to complete the report. The first monthly Observation Report will be submitted one month from the date the recruit was released from the Phase IV FTO. The monthly report will be submitted monthly until two weeks prior to recruit completing the probationary period. These reports will be kept with the Patrol Division in the probationary officer's personnel file.

## B. Flow of Evaluation Forms

After reviewing the Daily Observation Report with the FTO, the recruit will transpose the grades into the column on the far-left side of the front page. Any categories noted "Not Observed" will also be noted in this column. The recruit will then sign the appropriate block on the back of the Daily Observation Report and any continuation pages. In signing the Daily Observation Report (or End-of-Phase Report), the recruit is signifying that they have read and reviewed the report only. The recruit may not refuse to sign the report based on a disagreement in perception of performance with their FTO. Any disagreement with the FTO as it relates to factual circumstances that cannot be resolved will be brought to the FTO Supervisor.

The FTO will check the form for completeness and then forward the DOR to the FTO Sergeant. The original forms will all be maintained in the recruit's training folder.

The FTO Sergeant will present his completed Weekly Observation Report and Socorro Police Observation Report (DOR) to the recruit with any explanation and/or counseling.

As with the D.O.R., the recruit will review the form and sign. The FTO Sergeant will forward the Weekly Observation Report with the DOR's to the Patrol Lieutenant.

The FTO's "End-of-Phase" reports, after being completed and signed, will receive a review through the chain of command up to the Chief,



and then be filed in the recruit's personnel file.

#### PROBATIONARY OFFICER (After FTO Program)

The assigned Patrol Sergeant will present the completed Monthly Observation Report and the End of Probation Report to the probationary officer with any explanation and/or counseling. The reports will receive a review through the chain of command up to the Division Commander and will then be filed in the probationary officer's personnel file.

#### EIGHTEEN (18) MONTH PROBATIONARY PERIOD

A person appointed to a beginning position in the police department must serve a probationary period of eighteen (18) months beginning on that person's date of employment as a police officer or academy trainee if that person must then attend a basic training academy necessary for initial certification by the Commission on Law Enforcement Officer Standards and Education.

NOTE: This rule took effect February 13, 2006 and was retroactive affecting all officers hired on or after March 21, 2005.

DAILY

SOCORRO POLICE DEPARTMENT

PHASE \_\_\_\_\_

END OF PHASE

OBSERVATION REPORT

WEEK \_\_\_\_\_

RECRUIT \_\_\_\_\_ FTO \_\_\_\_\_ DIVISION/WATCH \_\_\_\_\_ DATE \_\_\_\_\_

RATING INSTRUCTIONS: Rate observed behavior on the scale below using the numerical value definitions contained in the standardized evaluation guidelines. You must comment on the most and least acceptable performance of the day. Although specific comments are required for all ratings of "1" or "6" and above, and "NRT", you are encouraged to comment on any behavior you wish. Use category numbers to reference your narrative comments. Check the "NO" box if a category is not observed. Check "NRT" box if the recruit fails to respond to training.

Assignment or Reason for No Evaluation:

	1	2	3	4	5	6	7	NO	NRT
<b>PERFORMANCE TASKS</b>									
_____ 1. Driving Skills: Normal Conditions.....	1	2	3	4	5	6	7	_____	_____
_____ 2. Driving Skills: Stress Conditions.....	1	2	3	4	5	6	7	_____	_____
_____ 3. Orientation/Response Time to Calls.....	1	2	3	4	5	6	7	_____	_____
_____ 4. Field Performance: Stress Conditions.....	1	2	3	4	5	6	7	_____	_____
_____ 5. Self-Initiated Field Activity/Observation Skills.....	1	2	3	4	5	6	7	_____	_____
_____ 6. Officer Safety.....	1	2	3	4	5	6	7	_____	_____
_____ 7. Control of Conflict: Verbal Skills.....	1	2	3	4	5	6	7	_____	_____
_____ 8. Control of Conflict: Physical Skills.....	1	2	3	4	5	6	7	_____	_____
_____ 9. Radio: Comprehension/Usage.....	1	2	3	4	5	6	7	_____	_____
_____ 10. Routine Forms: Accuracy/Completeness.....	1	2	3	4	5	6	7	_____	_____
_____ 11. Report Writing: Organization and Detail.....	1	2	3	4	5	6	7	_____	_____
_____ 12. Report Writing: Appropriate Time Used.....	1	2	3	4	5	6	7	_____	_____
_____ 13. Field Performance: Non-Stress.....	1	2	3	4	5	6	7	_____	_____
_____ 14. Investigative Skills.....	1	2	3	4	5	6	7	_____	_____
_____ 15. Interview/Interrogation Skills.....	1	2	3	4	5	6	7	_____	_____
_____ 16. Problem/Solving/Decision Making.....	1	2	3	4	5	6	7	_____	_____
<b>KNOWLEDGE</b>									
_____ 17. Departmental Policy/Procedures.....	1	2	3	4	5	6	7	_____	_____
_____ 18. Penal Code, Criminal Procedures, City Ord.	1	2	3	4	5	6	7	_____	_____
_____ 19. Vehicle Code.....	1	2	3	4	5	6	7	_____	_____
<b>ATTITUDE</b>									

_____	20. Acceptance of Feedback/Following Instructions...	1	2	3	4	5	6	7	_____	_____
_____	21. Attitude Toward Police Work.....	1	2	3	4	5	6	7	_____	_____
_____	22. Relationship with Public in General.....	1	2	3	4	5	6	7	_____	_____
_____	23. Relationship with Ethnic Groups.....	1	2	3	4	5	6	7	_____	_____
_____	24. Relationship with Other Officers and Supervisors.	1	2	3	4	5	6	7	_____	_____
	<b>APPEARANCE</b>									
_____	25. General Appearance.....	1	2	3	4	5	6	7	_____	_____

MINUTES OF REMEDIAL TRAINING TIME\_\_\_\_\_

**NARRATIVE COMMENTS**

Most Acceptable  
Performance \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Improvement  
Needed \_\_\_\_\_

\_\_\_\_\_  
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\_\_\_\_\_

Additional  
Comments \_\_\_\_\_

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RECRUIT \_\_\_\_\_  
RATER \_\_\_\_\_

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EVALUATION REVIEWS

SERGEANT \_\_\_\_\_

Lieutenant \_\_\_\_\_





**WEEKLY OBSERVATION REPORT**

DATE: \_\_\_\_\_ PHASE: \_\_\_\_\_ WEEK: \_\_\_\_\_

RECRUIT: \_\_\_\_\_ FTO: \_\_\_\_\_ WATCH: \_\_\_\_\_

GRADING SERGEANT: \_\_\_\_\_

HOW OBSERVATION WAS MADE: \_\_\_\_\_

COMMENTS:

\_\_\_\_\_  
RECRUIT \_\_\_\_\_ SERGEANT

\_\_\_\_\_  
Lieutenant \_\_\_\_\_ FTO COORDINATOR

(FORM 4-5)

**SOCORRO POLICE DEPARTMENT  
MONTHLY / END OF PROBATION  
OBSERVATION REPORT  
\_\_\_\_\_  
THROUGH \_\_\_\_\_**

RECRUIT \_\_\_\_\_  
 DATE \_\_\_\_\_

SERGEANT \_\_\_\_\_

WATCH \_\_\_\_\_

RATING INSTRUCTIONS: Rate observed behavior on the scale below using the numerical value definitions contained in the standardized evaluation guidelines. You must comment on the most and least acceptable performance of the day. Although specific comments are required for all ratings of "1" or "6" and above, you are encouraged to comment on any behavior you wish. Use category numbers to reference your narrative comments. Check the "NO" box if a category is not observed.

Assignment or Reason for No Evaluation: \_\_\_\_\_

NOT ACCEPTABLE BY FT PROGRAM STANDARDS		MINIMUM ACCEPTABLE LEVEL			SUPERIOR BY FT PROGRAM STANDARDS		
1	2	3	4	5	6	7	

PERFORMANCE TASKS							NO		
1	Self-Initiated Field Activity	1	2	3	4	5	6	7	
2	Officer Safety	1	2	3	4	5	6	7	
3	Report Writing & Routine Forms	1	2	3	4	5	6	7	
4	Investigative Skill	1	2	3	4	5	6	7	
5	Problem Solving / Decision Making	1	2	3	4	5	6	7	
6	Department Policies / Procedures	1	2	3	4	5	6	7	
7	Acceptance of Feedback	1	2	3	4	5	6	7	
8	Attitude Toward Police Work	1	2	3	4	5	6	7	
9	Relationship with Public in General	1	2	3	4	5	6	7	
10	General Appearance	1	2	3	4	5	6	7	

(FORM 4-6)

NARRATIVE COMMENTS

Additional Comments





explanations should clarify the issues and ease the concerns of the rater and the person being rated.

We use a rating scale, under this program, of "1 to 7". While this may seem to be rather broad, there is a specific reason for its use, over a "1 to 5" scale. First, under the "1 to 7", it is apparent that a "4" is the median range score. Therefore, we must define a "4" as a base to work from. A "4", under this program, is defined as the "minimal acceptable level of performance." In other words, for a specific task, an officer is able to perform and complete the function independently in an acceptable manner. Notice the key word here is "independently." The FTO must realize that any hints or guidance given the recruit means the recruit did not complete the task "independently", no matter how successful he was. During the initial stages of training, the FTO must show the recruit how to do it and then let the recruit do it. But if our ultimate goal is for the recruit to work alone, then our "cut-off" grade must be "Is the recruit capable of taking this specific task and completing it with no assistance?"

If we understand the definition of a "4", then the next step is to define the two extremes of performance. A "1" is fairly easily defined since it denotes a clear inability to perform the task. A "1" therefore, indicates a "performance not acceptable by program standards as set out in the Standardized Evaluation Guidelines." Any one or a combination of these unacceptable performance definitions, should result in the recruit being assigned a grade of "1."

At the opposite end of the scale is an individual's ability to perform at the superior or exceptional level. While the grade of "7" is the most agreeable to use, it is also the most easily abused. In defining a grade of "7", or superior performance, the FTO must note that in most of the definitions, the word "always" or "all" the time is used. The FTO must ask "has the recruit performed this task flawlessly and with absolutely NO assistance during this rating period?"

In most cases where the grade of "7" is misused, it is because the FTO confuses "superior performance" with a "superior attitude." Keep in mind "Attitude toward Police Work" is a separate category and can give credit to the recruit when it is deserved. It should be noted that few officers are capable of "7" performance, but this should not be viewed as a negative aspect of the program. Instead, the FTO should view the "7" as a goal for the recruit to strive for and attempt to improve. A "7" should be given to the exceptional recruit, for exceptional performance.

Now that the FTO understands the extreme of the rating scale and our minimal acceptable levels that do not fall into any of the above three categories. As noted above, we utilized a scale of "1 to 7" instead of "1 to 5." The primary reason being that the grades "2 and 3" and "5 and 6" give us much more flexibility in defining "performance capabilities." Under a "1 to 5" scale, if a recruit is not performing at the

minimum acceptable level (a "3"), but the recruit's performance is clearly not unacceptable (a "1"), then the only grade left is a "2". However, a valid question for review is, "Is the recruit's performance capability closer to minimum or unacceptable levels?". Under a "1 to 7" scale, a "3", while not meeting the minimum standards, is very close or capable of, reaching them. At the same time, a "2", while not meeting unacceptable standards, is very close or capable of, reaching them. At the same time, a "2", while not meeting unacceptable standards, is very close to becoming so if this level of performance continues. At the opposite end of the scale, it should be clear how to apply the grade of "5 and 6." In applying a grade of "5", the FTO indicates that while the recruit's current performance capabilities are above minimum standards, the recruit is closer to minimum standards than superior standards. Obviously a grade of "6" indicates that the recruit is closer to superior than minimum standards.

In scale value application, the first principle that must be accepted by all is that each of us has different perceptions on nearly everything in the life experience. While a standardization of ratings is an acute necessity, an attempt to standardize perceptions is doomed to failure at the start. For example, FTO "A", based on prior negative experience of his own, sees a recruit's exposure of his weapon to a suspect as worth a "1" rating (Officer Safety) while FTO "B" may see the same behavior as worth a "3". Should the recruit or we really be concerned? Our answer is "No!" as long as both officers see the performance as "Unacceptable" under the guideline quoted.

A lack of standardization ensues when one FTO sees the performance of an Unacceptable (Scale values 1, 2, or 3) and the other sees the same behavior as "Acceptable," (scale values 4, 5, 6, or 7). In summary then, we have no difficulty accepting differences in officers' perceptions unless these perceptual differences vary between Unacceptable and Acceptable ratings for the same behavior.

The second principle that is important to grasp is the value assigned to performance wherein remedial efforts have been undertaken and the recruit is not responding to training. A trainee who performs at a less than acceptable level might be assigned 1, 2, or 3 for that task. The FTO is under an obligation to remediate the mistake and assess the recruit's performance when next he has the opportunity to do so. If the FTO has utilized retraining procedures and the recruit continues to fail, a reduction in scale value might seem initially, to be the appropriate step. However, if the recruit's performance has remained essentially the same, (while admittedly below acceptable standards), we should document that the recruit is **NOT RESPONDING TO TRAINING** (N.R.T.). The N.R.T. section of the Daily Observation Report form allows the FTO to report continued failure and the failure on the part of the recruit to improve, all the while maintaining the integrity of the rating first given.

An N.R.T. is an indication, then, of a problem that has occurred in the past; that has been the object of appropriate remedial effort; and the remedial effort has not produced

the desired result. A rating of N.R.T. might be likened to waiving a "red flag" in that the recruit is in danger of failing the Field Training Program unless performance improves in that particular area. (See Chapter 7, "Remediation").

In summary, do not evaluate the recruit against the average recruit or against a recruit in the same class or with the same amount of experience. Instead, evaluate the recruit based on his ability to function and perform the task in an acceptable and independent manner.

### Narrative Support for Performance Scale

While the Performance Scale defines overall capabilities of the recruit, different circumstances may well mitigate or enhance the specific grade. This is why the FTO's specific evaluation of the day's performance is so critical. A narrative overview supports and clarifies the FTO's numerical evaluation.

Under program guidelines, narrative comments are required for grades of "1, 6, 7, and NRT." It should be noted, however, that comments on any behavioral aspects of the recruit are encouraged. The FTO is also required to comment on the most acceptable performance(s) of the day (phase) and improvements needed for the day (phase).

During Phase I, it is expected that the recruit will make more mistakes and his performance will be less polished. Therefore, it is reasonable for the recruit to earn more "2's" and "3's" during this period. Obviously a grade of "1", while significant, would not be as critical in the category of Orientation or Self-initiated Field Activity as a grade of "1" in the category of Officer Safety would indicate. It is important for the FTO to realize that narrative support for the overall evaluation should not only clarify positive and negative performance, but also should indicate steps necessary to improve.

During Phase II, grades of "2 and 3", while not requiring comments, begin to indicate significant weaknesses. The FTO is encouraged to document these weaknesses and to give the recruit, specific steps to improve. The FTO at this point must also give serious consideration to Intensive Remedial Training in areas where no improvement is seen. Documented support of the numerical evaluation makes this step much easier to justify. By the end of Phase II, the recruit should have all "4"s before being passed on to Phase III.

A thorough narrative should include, but not be limited to, the following components: Specific, concise sentences, call for service numbers (AR#), ticket numbers, locations and times. If the narrative is involved, the FTO should make a brief statement of strengths and weaknesses in the indicated sections and then expand on the needed areas under additional comments. It is suggested that the FTO indicate the specific performance category number(s) before each specific narrative statement; in other words make it easy for the reviewer to relate the narrative comments back to the

specific grades on the observation reports. In addition, this ensures that the FTO's narrative comments are consistent with the performance grades given.

In summary, the narrative component of the Observation Report is a critical aspect that compliments and supplements the performance grades. The program does not expect "great author" capabilities, just clear, factual support for the grades given the recruit.

### ***FIELD TRAINING PROGRAM CRITIQUE***

The purpose of the Field Training Program Critique is to solicit from the new officer information, which may be used to improve the Field Training Program, (See Forms 4-8 and 4-9). It consists of a series of program-related questions, and a comment page for inclusion of any additional information or comments the officer may wish to make.

The critique will be completed during an interview with the Field Training Supervisor. The interview will be held within 60 days after successful completion of the full fifteen week Field Training Program.

During the interview, the Field Training Supervisor will note and forward to the immediate supervisor any information regarding alleged improprieties by a Field Training Officer. It will be the responsibility of the shift FTO's Supervisor to take any action this information deems necessary.

The Field Training Supervisor will analyze the completed critiques. Serious consideration will be given to comments, which will assist them in improving the Field Training Program.

A copy of the completed critique will be maintained in the file of each Field Training Officer to which the recruit was assigned. Field Training Officers may review the critiques in the presence of the Field Training Supervisor.

**SOCORRO POLICE DEPARTMENT  
FIELD TRAINING AND EVALUATION PROGRAM**

RECRUIT CLASS #: \_\_\_\_\_

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

BADGE: \_\_\_\_\_

1. Is there anything in the FTO Program that you were not taught that you feel you should have been?

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2. Can the Academy do anything different to prepare a recruit officer for entry into the Field Training Program? BE SPECIFIC:

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3. Do you have any suggestions for improvement in the FTO Program?

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4. Were you ever placed in an element with other than a Field Training Officer? If so, which watch?

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5. Do you feel that after 15 weeks of Field Training, you can competently perform the duties of an Socorro Police Officer, or do you feel you needed additional time?

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# **CHAPTER 5**

## **STANDARD EVALUATION GUIDELINES**



# SOCORRO POLICE DEPARTMENT

## STANDARDIZED EVALUATION GUIDELINES

### (1) DRIVING SKILLS: NORMAL CONDITIONS

- 1. Unacceptable Continually violates Traffic Code (speed, traffic signals, etc.); involved in chargeable accident or vehicle damage; lacks dexterity and coordination during vehicle operation.
- 4. Acceptable Ability to maintain control of vehicle while being alert to activity outside of vehicle. Practices good defensive driving techniques.
- 7. Superior: Sets good example of lawful, courteous driving while exhibiting good manipulative skill required of police officer (i.e., operate Radio, utilize hot sheet).

### (2) DRIVING SKILLS: STRESS CONDITIONS

- 1. Unacceptable: Involved in accident(s). Unnecessary Code 3. Over uses red lights and siren. Excessive and unnecessary speed. Fails to slow for intersections and loses control on corners.
- 4. Acceptable: Maintains control of vehicle. Evaluates driving situation and reacts properly. (i.e., proper speed for conditions)
- 7. Superior: High degree of reflex ability and competence in driving skills.

### (3) ORIENTATION/RESPONSE TIME TO CALLS:

- 1. Unacceptable: Becomes disoriented when responding to stressful situations. Is unable to relate his/her location to his/her destination. Is unable to use a map under stress. Is unable to determine directions of the compass during stressful tactical situations.
- 4. Acceptable: Reasonably aware of his/her location. Is able to utilize a map effectively under stressful conditions. Demonstrates good sense of direction in tactical situation.
- 7. Superior: Always responds quickly to stressful calls by the most appropriate route. Does not have to refer to a map. Rarely disoriented during tactical situations.

**(4) FIELD PERFORMANCE: STRESS CONDITIONS**

Evaluates the Recruit's ability to perform in moderate and high stress situations.

- 1. Unacceptable: Becomes emotional, is panic-stricken, can't function, holds back, loses temper or displays cowardice. Over reacts.
- 4. Acceptable: Maintains calm and self-control in most situations, determines proper course of action and takes it. Does not allow the situation to further deteriorate.
- 7. Superior: Maintains calm and self-control even in the most extreme situations. Quickly restores control in the situation and takes command. Determines best course of action and takes it.

**(5) SELF-INITIATED FIELD ACTIVITY/OBSERVATION SKILLS:**

- 1. Unacceptable: Fails to observe, or avoids activity. Does not follow up on situations requiring police attention, rationalizes suspicious circumstances and does not investigate.
- 4. Acceptable: Observes, recognizes, and identifies suspected criminal activity or situations requiring police attentions. Makes cases and arrests from routine activity, while on vehicle or foot patrol.
- 7. Superior: Catalogs, maintains, and uses information issued at briefings and other sources for reasonable cause to stop vehicles and persons, and makes subsequent good quality arrests. Provides good police service by observing and recognizing non-criminal situations and providing assistance, either while on vehicle or foot patrol.

**(6) OFFICER SAFETY:**

Evaluates the Recruit's ability to perform police tasks without injuring self or others exposing self or others to unnecessary danger/risk.

- 1. Unacceptable: Fails to follow accepted safety procedures or to exercise officer safety, i.e.:
  - A) Exposes weapons to suspect (baton, handgun, etc.).
  - B) Fails to keep gun hand free during enforcement situations.
  - C) Stands in front of violator's car door.
  - D) Fails to control suspect's movement.
  - E) Does not keep suspect/violator in sight.

- F) Fails to use illumination when necessary or uses it improperly.
- G) Fails to advise dispatcher when leaving police vehicle.
- H) Fails to maintain good physical condition.
- I) Fails to utilize or maintain personal safety equipment.
- J) Does not anticipate potentially dangerous situations.
- K) Stands too close to passing vehicular traffic.
- L) Is careless with gun and other weapons.
- M) Stands in front of doors when knocking.
- N) Makes poor choice of which weapon to use and when to use it.
- O) Fails to cover other officers.
- P) Stands between police and violator's vehicle on car stop.
- Q) Fails to search police vehicle prior to duty and after transporting suspect.

4. Acceptable: Follows accepted safety procedures. Understands and applies them.

7. Superior: Always works safely. Foresees dangerous situations and prepares for them. Keeps partner informed and determines the best position for self and partner. Is not overconfident. Is in good physical condition.

**(7) CONTROL OF CONFLICT: VERBAL SKILLS**

1. Unacceptable: Improper voice inflection; i.e., too soft, too loud, confused voice command or indecisive; poor officer bearing.

4. Acceptable: Speaks with authority in a calm, clear voice.

7. Superior: Always gives appearance of complete command through voice tone and bearing.

**(8) CONTROL OF CONFLICT: PHYSICAL SKILLS**

1. Unacceptable: Physically weak or uses too little or too much force for given situation. Unable to use proper restraining holds.

4. Acceptable: Maintains control without excessive force. Properly applies restraining holds.

7. Superior: Always prepared to use necessary force. Excellent knowledge of and shows the ability to use restraining holds.

**(9) RADIO: COMPREHENSION/USAGE**

1. Unacceptable: Misinterprets communication codes, definitions or fails to use radio in accordance with set policy; fails or refuses to improve. Repeatedly misses his/her call sign and is unaware of radio traffic on adjoining beats. Frequently has to ask Dispatcher to repeat transmission or does not comprehend message.

4. Acceptable: Copies most radio transmission directed to him/her and is generally aware of adjoining beat traffic. Uses proper procedures with clear, concise, and complete transmissions. Has good working knowledge of radio codes.
7. Superior: Transmits clearly, calmly, concisely, and completely in even the most stressful situations. Transmissions are well thought out and do not have to be repeated. Uses communication codes with ease in all receiving and sending situations.

**(10) ROUTINE FORMS: ACCURACY/COMPLETENESS**

Evaluates Recruit's ability to properly utilize departmental forms necessary to job accomplishment.

1. Unacceptable: Is unaware that a form must be completed and/or is unable to complete proper form for the given situation. Forms are incomplete, inaccurate, or improperly used.
4. Acceptable: Knows the commonly used forms and understands their use. Completes them with reasonable accuracy and thoroughness.
7. Superior: Consistently makes accurate form selection and rapidly completes detailed forms without assistance. Displays high degree of accuracy.

**(11) REPORT WRITING: ORGANIZATION/DETAIL**

Evaluates the Recruit's ability to prepare reports that accurately reflect the situation and in a detailed, organized manner.

1. Unacceptable: Unable to organize information and to reduce it to writing. Leaves out pertinent details in report. Report is inaccurate. Reports are illegible. Reports contain excessive number of misspelled words. Sentence structure or word usage is improper or incomplete.
4. Acceptable: Completes reports, organizing information in a logical manner. Reports contain the required information and details. Reports are legible and grammar is at an acceptable level. Spelling is acceptable and errors are rare. Errors, if present, do not impair an understanding of the report.
7. Superior: Reports are a complete and detailed accounting of events from beginning to end, written and organized so that any reader understands what occurred. Reports are very neat and legible. Contain no spelling or grammar errors.

**(12) REPORT WRITING: APPROPRIATE TIME USED**

Evaluates the Recruit's efficiency relative to the amount of time taken to write a report.

- 1. Unacceptable: Requires an excessive amount of time to complete a report. Takes three or more times the amount of time a non-probationary officer would take to complete the report.
- 4. Acceptable: Completes reports within a reasonable amount of time.
- 7. Superior: Completes reports very quickly, as quickly as that of a skilled, veteran officer does.

**(13) FIELD PERFORMANCE: NON-STRESS**

Evaluates Recruit's ability to perform routine, non-stress police activities.

- 1. Unacceptable: When confronted with a routine task, becomes confused and disoriented. Does not/cannot complete task. Takes wrong course of action. Avoids taking action.
- 4. Acceptable: Properly assesses routine situations. Determines appropriate action and takes same.
- 7. Superior: Properly assesses situations including unusual or complex ones. Determines appropriate course of action and takes same.

**(14) INVESTIGATIVE SKILLS:**

Evaluates Recruit's ability to conduct a proper investigation with an emphasis on crime scene investigatory procedures.

- 1. Unacceptable: Does not conduct a basic investigation or conducts investigation improperly. Unable to accurately diagnose offense committed. Fails to discern readily available evidence. Makes frequent mistakes when identifying, collecting, or booking evidence. Does not connect evidence with suspect when apparent. Lacks skill in collection and preservation of fingerprints. Does not protect scene.
- 4. Acceptable: Follows proper investigator procedure in all but most difficult/unusual cases. Is generally accurate in diagnosis of nature of offense committed. Collects, tags, logs, and books evidence properly. Connects evidence with suspect when apparent.
- 7. Superior: Always follows proper investigator procedure, and always accurate in diagnosis of offense committed. Connects evidence with suspect even when

not apparent. Has an "evidence technician" collection and ID skill. Recognizes "readable" fingerprints when available.

**(15) INTERVIEW/INTERROGATION SKILLS:**

Evaluates Recruit's ability to use proper questioning techniques; to vary techniques to fit persons being interviewed/interrogated; to follow proper procedure.

1. Unacceptable: Fails to use proper questioning techniques. Does not elicit and/or record available information. Does not establish appropriate rapport with subject and/or does not control interrogation of suspect. Fails to give Miranda warning.
4. Acceptable: Generally uses proper questioning techniques. Elicits most available information and records it. Establishes proper rapport with most victims/witnesses. Controls the interrogation of most suspects and generally conducts a proper Miranda Warning.
7. Superior: Always uses proper questioning techniques. Establishes rapport with all victims/witnesses. Controls the interrogation of even the most difficult suspects. Conducts successful interrogations. Always gives a proper Miranda warning.

**(16) PROBLEM SOLVING/DECISION MAKING:**

1. Unacceptable: Acts without thought or is indecisive. Relies on others to make his/her decisions.
4. Acceptable: Is able to reason out problems and relate what he/she was taught. Has good perception and ability to make his/her own decisions.
7. Superior: Excellent ability to foresee problems and arrive at sound decisions.

**(17) DEPARTMENTAL POLICIES/PROCEDURES:**

Evaluation of the Recruit's knowledge of the department's policies and procedures and the ability to apply this knowledge under field conditions:

1. Unacceptable: When tested verbally or in writing, the Probationary Officer scores 20% or less. When applied in the field, the officer shows little or no knowledge of departmental policy or fails to use the appropriate procedure when it applies.
4. Acceptable: When tested verbally or in writing, the Probationary Officer scores at least 70%. When applied in the field, the officer shows a familiarity with the most commonly used policies and procedures.

7. Superior: When tested verbally or in writing, the Probationary Officer scores 100%. When applied in the field, the officer is familiar with all the policies and procedures and uses the appropriate one when needed.

**(18) PENAL CODE, CODE OF CRIMINAL PROCEDURE, AND CITY ORDINANCES:**

Evaluation of the Recruit's knowledge of the criminal statutes, and ability to apply that knowledge in the field:

1. Unacceptable: When tested verbally or in writing, the recruit scores 20% or less. When applied in the field, the officer does not know the basic elements of a crime when encountered or makes mistakes that would indicate lack of that knowledge necessary to conduct a successful investigation and write a good report.
4. Acceptable: When tested verbally or in writing the recruit scores at least 70%. When applied in the field, the officer recognizes commonly encountered criminal offenses and knows what actions are necessary to make the case capable of successful prosecution.
7. Superior: When tested verbally or in writing the recruit scores 100%. When applied in the field, the officer displays an outstanding knowledge of the codes and applies this knowledge while in both normal and unusual criminal situations.

**(19) VEHICLE CODE:**

Evaluation of the Recruit's knowledge and ability to apply the traffic laws of the State to field enforcement:

1. Unacceptable: When tested verbally or in writing, the Probationary Officer scores 20% or less. When applied in the field, the officer shows a poor working knowledge of the traffic code and its practical application.
4. Acceptable: When tested verbally or in writing, the Probationary Officer scores at least 70%. When applied in the field, the officer shows a good working knowledge of the traffic laws and can apply the correct statute to the situation.
7. Superior: When tested verbally or in writing, the Probationary Officer scores 100%. When applied in the field, the officer demonstrates an unusually acute knowledge of even the most

seldom used vehicle code statutes.

**(20) ACCEPTANCE OF FEEDBACK/FOLLOWING INSTRUCTIONS:**

Evaluation of the Recruit's acceptance of constructive criticism and instruction and how the officer uses the information and instructions provided to improve performance.

- 1. Unacceptable: Rationalizes mistakes, denies that errors were made, is argumentative, refuses to do or does not attempt to make corrections. Considers criticism a personal attack.
- 4. Acceptable: Accepts criticism and instructions in a positive manner and applies the information to make correction in performance.
- 7. Superior: Actively solicits criticism and instructions in order to improve performance. Instructions do not have to be repeated.

**(21) ATTITUDE TOWARD POLICE WORK:**

Evaluation of the Recruit's attitude toward new career in terms of personal motivation, goals, acceptance or responsibility and career objectives:

- 1. Unacceptable: Sees career as only a job; uses position to boost ego; abuses authority; shows little dedication to the principles of professionalism.
- 4. Acceptable: Demonstrates an active interest in the new career and takes the new responsibility seriously.
- 7. Superior: Utilizes off-duty time to further professional knowledge and expertise; solicits assistance from others to broaden knowledge of the work. Maintains high ideals in terms of professional responsibilities of the job.

**(22) RELATIONSHIP WITH PUBLIC IN GENERAL:**

Evaluation of the Recruit's ability to interact with the general public including victims as well as suspects.

- 1. Unacceptable: Abrupt, belligerent, overbearing, arrogant, and uninterested. Overlooks or avoids the service aspects of the job.
- 4. Acceptable: Courteous, friendly, and empathetic. Communicates in professional and unbiased manner. Service-minded.
- 7. Superior: At ease with public contact. Quick to establish rapport and leaves people with a feeling that the officer was interested in serving them. Remains objective at all times.





Weapon, leather, equipment is clean and operative. Hair within regulations, shoes are shined.

7. Superior:

Uniform neat, clean, and tailored. Leather and shoes are highly shined. Equipment maintained in excellent condition.

# **CHAPTER 6**

## **REMEDIAL TRAINING**

## **FIELD TRAINING PROGRAM**

### ***REMEDICATION OF PERFORMANCE***

Remedial training is the name given to additional and/or repetitive instruction in an area or areas where skill is weak. Most of this remedial training can be handled on a day-to-day basis by the FTO with the assistance of the sergeant.

FTO's should be cognizant of the usefulness of remedial training and should be quick to provide additional and innovative instruction when needed. The training officer must also realize that there are instructional resources available other than his own teaching talents. With the cooperation of the sergeant, the FTO should, if needed, draw on sources from outside the Department as well as those within, to achieve the desired result, a proficient and knowledgeable recruit. Written tests and homework assignments also should not be forgotten as tools to facilitate remedial training.

The Field Training Program emphasizes four (4) specific steps in training and correcting deficiencies of the recruit. The first obvious step is that the recruit must be given initial - basic instruction, in other words, "show him how to do it." While the FTO is obligated to interact with the recruit as a mature adult, the FTO cannot assume anything and must ensure the recruit has been given reasonable exposure to each task.

The term "reasonable exposure" then becomes the key factor. The FTO must divide each performance task into two (2) categories: Simple tasks and complex tasks. Telling time, work schedules, and bringing the appropriate equipment to work are examples of simple tasks. Major felony investigations, traffic stops, and domestic disturbances are examples of complex tasks. Obviously the FTO will give less reasonable exposure to a simple task and more to a complex task. At this point, only the performance grade and supporting narrative will be utilized.

Once the FTO has given the recruit reasonable exposure to the task and the recruit still experiences difficulty in performing the task in an acceptable manner, the FTO must move to the second training step. "Basic Daily Remediation" of a weak skill or performance ensures that the recruit has had the deficiency brought to his attention. This remediation may range from several minutes of verbal counseling, to a specific homework assignment, or to several hours of special assignment working on the deficiency. The performance grade will still be noted and a specific supporting narrative now becomes essential.

In addition, the total number of minutes (or hours) provided for the specific training should be entered in the space provided at the bottom of the D.O.R. Also, the FTO

must explain the type of remedial training in the "Comments" section. This documentation should be labeled "Remedial Training," describe the specific problem, define what the solution to the deficiency is, and what specific action was taken. Reasonable "Initial Training," based on task difficulty, is a prerequisite for Basic Daily Remediation.

In some cases, the recruit will not respond to this initial remediation in a manner that will bring his performance up to an acceptable level. When the FTO believes that the recruit has had a reasonable amount of Initial and Basic Remedial Training, based on the task difficulty, and still is not performing at a satisfactory level, the FTO will move to the third step of remediation. The "Not Responding to Training" (NRT) block, as noted earlier, is an indication that the problem has occurred in the past; that is, has been the object of appropriate remedial effort; and the remedial effort has not produced the desired results. Remediation efforts in this step will remain somewhat similar to that in Basic Daily Remediation. These efforts will now become more specific and intensified. However, the FTO will document this failure to respond to Basic Remediation by marking the appropriate "NRT" box in the D.O.R. form. The FTO will also continue to record the appropriate performance grade, document the recruit's performance in the narrative section, and note the number of minutes (or hours) of remedial training required. Reasonable Basic Daily Remediation, based on task difficulty, is a prerequisite for checking the "Not Responding to Training" block.

Up to this point, the remediation of the recruit's deficiencies has been done as a part of the officer's normal training progression. In some cases, however, a deficiency is so pronounced that the recruit must be removed from the program so that specific attention can be given to the weakness. A pattern of failures to respond to remedial training (NRT) is a prerequisite for consideration of "Intensive Remedial Training."

Whenever the need to remove the recruit from his normal training schedule for intensive remediation is recognized, a written "Request for Intensive Remedial Training" will be made to the FTO Supervisor through the chain of command, (See Form 6-1 and 6-2). When the recruit completes their intensive remedial training program, he will be placed back into the program schedule for completion of field training.

The FTO Supervisor will, therefore, be required to extend the recruit's training schedule by the number of days/weeks in the remedial program.

FTO's, FTO Team Supervisors, and the FTO Supervisor must answer yes to all of the following questions before injecting a recruit into an intensive remedial program:

1. Is there a specific, identifiable problem?

2. Is the recruit's deficiency one that can be corrected or cured with additional instruction? (Some deficiencies are character traits or learning disabilities that cannot be corrected and termination is the only option).
3. Can we hope to correct this deficiency or teach this skill within a reasonable time period, one to four weeks?
4. Have there been basic daily remedial training and NRT's without adequate improvements?

To facilitate intensive remedial training, the recruit may be assigned to any watch and FTO that will best accomplish the goal. The FTO to whom the recruit is assigned may or may not have previously trained him. It is suggested, however, that consideration be given to assigning the recruit to an FTO that is not in the officer's normal rotation. This allows for a separate opinion of the recruit's performance and capabilities. In addition, the recruit may be assigned outside the Patrol Division, i.e., the Academy, outside tutoring etc. During an Intensive Remedial Training Program, the recruit will continue to receive D.O.R.'s from the FTO and sergeant. The FTO will indicate this status by noting the appropriate number in the "Phase" block and noting "I.R.T." in the week block. Should this Intensive Remedial Training be for more than one (1) week, note it as such by "I.R.T." - Wk 1", "I.R.T. - Wk 2", etc.

If the recruit remains on the same watch or is assigned outside the Patrol Division for the I.R.T., then the sergeant's Weekly Report and review of each week's D.O.R.'s will be done by the supervisor requesting the training. Should the recruit be assigned to another watch in the same division, the FTO supervisor the recruit is assigned to, will be responsible for the above report and review.

As a general rule, the recruit will not pass or fail Intensive Remediation. The purpose of this training is to correct and resolve a problem. It is still the responsibility of the regularly assigned FTO to evaluate the recruit's performance in the normal training process.

Only if an excessive safety deficiency or major violation of policy comes to light, would the recruit be considered for termination during Intensive Remedial Training.

In summary, this program is built on a foundation of training and remediating recruit performance. The FTO is obligated to remediate deficiencies whenever possible. The training officer should consider the monetary and time investment in getting the recruit to this point. The Field Training program recognizes that in some cases, a personality trait or character flaw may exist that will have a negative impact on the recruit's performance and cannot be remediated. In some very isolated cases, remediation of

the recruit may not be feasible beyond the "Not Responding to Training" stage. However, in the vast majority of situation, application of sound professional principles and thorough documentation of the recruit's performance will accomplish our goals as an instructor and teacher.

## ***REMEDIAL TRAINING TECHNIQUES***

### **INTRODUCTION**

Clarifying and correcting a recruit's *deficiencies* is probably the most critical and yet most challenging aspect of an FTO's responsibility. As previously noted in Chapter 5, this training program is broken up into four (4) phases. Three (3) of the phases are for training purposes. The final phase is for evaluation purposes only.

While the FTO will have overall goals for training of the recruit, each phase should also have specific goals to achieve. During Phase I, the FTO should attempt to initiate the recruit to basic police functions. As a result of this initial exposure, the FTO should, by the end of this phase, be able to identify specific strengths and weaknesses of the recruit.

The Phase II FTO should review the Phase I accomplishments and deficiencies. The primary goal of the Phase II and III FTOs should be to correct all of the routine recruit deficiencies that are easily identifiable. The most common deficiencies a recruit will exhibit are in the areas of Geography, Report Writing, Decision Making, Public Contact-Interview Skills, and Radio Usage. Also, Phase III should be utilized for

"Polishing and Refining" the existing skills of the recruit. Any significant deficiencies should be completely resolved, generally, by the middle of this phase. Should the recruit need to be placed in Intensive Remedial Training, this will allow sufficient time to correct and then appraise the performance. The last few weeks of this phase should be used to acclimate the recruit to work as a solo officer. This will smooth the transition into Phase IV.

## TYPICAL TRAINING PROBLEMS

Most veteran training officers will identify four primary areas as being stumbling blocks to most recruits. Below are some suggested approaches to be utilized in correcting a recruit's unacceptable performance.

## GEOGRAPHY AND ORIENTATION

The most common weakness a recruit will exhibit will be in this area. The FTO must be reasonable and realistic in his expectations of the recruit. Initially, the recruit should be expected to know where he is a majority of the time, know where he is going to, and be able to use a map to get from "Point A to Point B." A recruit cannot possibly know the city as well as his FTO does. The FTO's primary responsibility is to teach principles and fundamentals of geography and orientation skills. The primary question then, is not whether the recruit took the fastest route, but whether the recruit took a route that got you there in a reasonable amount of time, based on his experience and capabilities.

A Recruit Officer should be expected to know at least the following fundamentals:

1. How to utilize compass directions.
2. Base lines for dividing north/south and east/west block numbers.
3. Major north/south and east/west streets.
4. Block numbers at major intersections.
5. How to read and use a map.

Should the recruit experience difficulty, the following may be helpful in improving their performance:

1. Use of major landmarks.
2. Use of the sun.



3. Memorizing major streets.
4. Homework assignments using blank maps, with major streets, noting block numbers at intersections.
5. Have the recruit highlight street names and cross reference in the index section of the map for streets in your area.
6. Highlight major streets initially, then mark each street as the recruit encounters them on call. Also consider having the recruit highlight street names on a map, as a homework assignment.
7. Have the recruit verbally drive you from "Point A to Point B."
8. Make practice runs by giving the recruit several locations and having him drive you to them.
9. The recruit should be allowed to drive at least half of each shift. This allows him to not only interact with orientation skills, but stress and observation skills. The only exception to this should be during the first few weeks of training or if specific problems exist and there is documentation to support not driving.
10. Written and verbal tests covering material learned to date.

The above list is obviously not all-inclusive, but represents some tried and proven techniques. Any approach that the FTO can use that works is valid, however.

## REPORT WRITING

An individual's ability to relate in writing, what he has done, observed, or needs, is probably the most important attribute of a police officer. This skill is, in most cases, also the most difficult to remediate where a major deficiency exists.

If the FTO notes an obvious deficiency in this area, the FTO should review the recruit's training to date and then establish answers to the following question:

1. Has the recruit received reasonable exposure and hands on application of the skills needed?
2. Does the recruit have any obvious learning disabilities?

3. Is the recruit having difficulty applying laws and policies to the situation, or can the recruit simply not express himself in writing?
4. Does the problem appear to relate to an organizational deficiency or educational deficiency?

In other words, if the recruit cannot "spell", do they know that fact? Is the recruit too lazy to look the word up, or does he not realize the difference? The former can be remediated, the latter will be difficult to deal with.

Specific documented answers to the above questions should at least give the FTO a direction to work from. The FTO program recognizes that some deficiencies in this area may well be beyond the training and expertise of the FTO. In some cases, resources outside the Department may be sufficient to resolve the problem. In a few isolated situations, however, we must realize that the problem cannot be resolved in a reasonable and timely manner.

If the recruit does experience problems in the area of Report Writing, the following may be helpful in improving their performance:

1. Have the recruit carry a pocket dictionary at all times.
2. Have them write all reports.
3. Assign the recruit to the Records Section for an appropriate period to observe and review the composition of incoming reports.
4. Have the recruit "verbalize" the incident, with what action(s) he took or recommends taking, before ever attempting to reduce the incident to writing. Keep in mind that if the recruit does not understand what transpired mentally; he will not be capable of relating the incident in writing.
5. Have the recruit establish a consistent pattern of obtaining information in a specific chronological order.
6. Does the recruit understand and can they apply the concept of "Who, What, When, Where, Why, and How?" (i.e., Who did What to Whom? Who saw it happen? When, Where, Why, and How did it happen?)
7. Make sure the recruit understands the relationship between the complainant and suspect(s). This item may not prove the case, but may clarify the incident.

8. When a problem in this area begins to surface, make copies of some of the initial report efforts. Include on those copies appropriate corrections, indicating the amount of time it took to produce an acceptable report. If a serious deficiency exists, begin including a more comprehensive sample in your documentation, with appropriate corrections. This method helps clearly establish a pattern of improvement or digression.

This list is also not all-inclusive, but does address some proven techniques. The FTO is encouraged to try any method that gets the job done and still remains within the policies of the program and department.

## DECISION MAKING

As noted earlier, one of the major goals for the FTO to meet is to teach the recruit how to make a decision. This is a critical skill for any police officer to possess. Yet it is a skill that cannot be learned by reading a book or watching a video presentation. Decision making must be learned, for the most part, the same way you learned to ride a bicycle, "You get on and you fall off a few times."

The most difficult task for the FTO will be to "just let the recruit do it." Given the FTO's experience level he can deal with the majority of situations in an expeditious fashion, however this does little to enhance the recruit's skills. The FTO should hold the recruit responsible for decisions that progressively become more complex, relative to the recruit's experience.

The most important aspect of "Decision Making" for an FTO to teach the recruit is, "Why did you make that decision and what policies or laws did you use to make it?" The FTO must realize that the recruit may well take the appropriate action, but did he do it for the appropriate reason? The FTO should utilize every possible opportunity to interact with the recruit and assess the trainee's ability to apply the correct theory, to a realistic situation, in a practical manner. This may well involve complimenting the recruit for a job well done, but asking in a low-key manner, "Why did you decide to handle it that way?" In some instances, the recruit may just note that "it was the right thing to do." Make sure that each decision and each action is based on clear policy or legal guidelines. Also, ensure that the recruit knows how far he can vary from these guidelines and why.

Remediation of this skill is much more difficult since you are dealing with a performance that is based, in part, on pre-learned behavior. Depending on the nature of the deficiency, the FTO must first be sure to document and define the weakness. Initial remediation will center on redefining the recruit's responsibilities and clarifying relevant policies and regulations. It may be wise for the FTO to volunteer for calls,

when possible, that relate the recruit's deficiency. For instance, volunteering for family violence calls where the recruit is having problems taking control and deciding what to do in a stress situation.

More specific remediation may require special assignment time in which the recruit will respond only to the type calls or incidents that give him a specific opportunity to practice these skills. If the deficiency shows a lack of reasonable improvement, and appropriate remediation has been exercised and documented, then the recruit may need to move into Intensive Remediation.

During this specialized training, the recruit should, when possible, be placed with a different FTO. An FTO should be selected that has a background in this type problem and the maturity to make some critical judgment decisions, relevant to the recruit. In assigning the recruit to this remediation, a watch and beat with sufficient activity may also be a consideration.

As noted earlier, the recruit will not pass or fail this remediation. The recruit should be given the opportunity to return to his regularly assigned FTO and demonstrate whether or not he can perform at an acceptable level. The important factor in utilizing another FTO for Intensive Remediation is the additional opinion and appraisal of the recruit's performance and capabilities.

Also noted earlier, decision-making skills are a critical and required attribute for a police officer to possess. A major deficiency here may well affect the recruit's career potential. This area is also probably the hardest to evaluate since the FTO's communication, perception, and interaction skills will have a bearing on the recruit's learning and capability. The FTO should remember that specific and detailed documentation is absolutely mandatory in this category.

## RADIO USAGE

Police radio communication skills seem to be a consistent weakness for most recruits, at least during the early stages of training. Most deficiencies revolve around the following:

1. An inability to acknowledge and comprehend dispatcher's comments, as they relate to the recruit's element and elements in the surrounding area.
2. An inability to transmit brief, concise, and logical data to the dispatcher and other field elements.
3. An inability to apply departmental policies as they relate to radio communication skills, i.e., proper data sequence, use of mark-outs, etc.

Remediation of this skill will correspond, at least in part, to the personality and processing skills of the recruit. The FTO should first be aware that the recruit has a great deal of data and experience to absorb, in a short period of time. The FTO can, as a general rule, carry on a conversation, observe outside activity, drive the patrol vehicle, and still be aware of relevant radio transmissions. The recruit has yet to develop and sharpen this skill. Some recruits will acclimate quickly, others will develop at a slower pace.

If the recruit develops problems in this area, after a reasonable amount of exposure, the FTO should answer the following questions:

1. Has the recruit been shown the proper techniques to use?
2. Has the recruit had the opportunity to practice those techniques and has this been documented?
3. Has the FTO addressed the specific deficiency of the recruit?

The FTO's remediation of this deficiency should include at least some of the following techniques:

1. Have the recruit practice radio transmissions with the FTO during routine patrol.
2. Have the recruit advise the FTO of radio traffic that affects surrounding beats.
3. Ensure the recruit knows to ask the dispatcher to repeat any transmissions not understood.
4. Send the recruit to the Communications Division for an appropriate amount of time. This will allow the recruit to interact personally with the dispatcher and relate to how the data is processed from that end.
5. Have the recruit organize his thoughts before making a transmission. Where possible, say it out loud before transmitting the message.
6. Ensure the recruit knows key phrases and data to note and copy down when interacting with the dispatcher.
7. Have the recruit check suspects, vehicles, and property on the radio.

A deficiency in Radio Usage, while somewhat common, is one area that can be remediated, in most cases, with some simple techniques and a little extra effort. It is

possible that Radio Usage could develop into a major deficiency, but most likely the recruit would be experiencing difficulty in other notable areas.

## CONCLUSION

Only a sample of the consistent deficiencies experienced by recruits were addressed in this section. The purpose here was to expose the FTO to "Remediation Progression and Procedures." The reader should have noted at this point that initial training and documentation are the key factors. The FTO can instruct, interact, and counsel with the recruit at length, relative to the displayed deficiency. Without the appropriate documentation, however, the FTO's efforts are for all intents and purposes, meaningless.

**SOCORRO POLICE DEPARTMENT**

**FIELD TRAINING PROGRAM**

**REQUEST FOR INTENSIVE REMEDIAL TRAINING OF RECRUIT**







# **CHAPTER 7**

## **TERMINATION PROCEDURES**

## **FIELD TRAINING PROGRAM**

### ***CONSIDERATION OF TERMINATION***

The goal of the Field Training Program is to produce a fully trained, competent patrol officer, and the Program expects all recruits to be successful. Unfortunately, some are not and regardless of the efforts by the Program personnel, some do not reach the level of competence required. Recruits sometimes realize their expectations of law enforcement were false ones. Other recruits cannot perform multiple tasks. Still others are unable to deal with the stress present in the job. There are many reasons, but the fact is that some people do not make it, and therefore, must be terminated.

Termination is stressful, not only for the recruit, but for the Program personnel as well. Despite this, in some cases, termination is not only necessary but obligatory. If a recruit is not progressing in the Program and it has been determined that progress to a satisfactory level is not possible, termination is the only logical step.

Field Training Officers often hope to "save" new employees who are failing, and this is laudable but not always fruitful. Personnel should never give up on a recruit who has the slightest chance of success, but must be realistic with those who do not. Organizationally, the retention of an employee who is not capable of performing the job would place the Department and the recruit in an untenable position. Not only would liability be ever present, but also such a decision would cost the Department economically and in terms of efficiency. By coming to grips with a recruit's failure, the stress experienced by the recruit will be reduced and the transition to another career will be eased.

The recruit is, of course, subject to the same rules and regulations that govern all Socorro Police Officers, and should they violate a criminal statute or Departmental policy, they will be held accountable as prescribed in the policies. Otherwise, recruit terminations will be handled as follows:

### **WHEN TERMINATION MAY OCCUR**

In all cases where possible, the recruit should be given the benefit of training through the first three phases before a termination recommendation is considered. However, the recruit may be terminated at any point in the Program if:

1. The recruit is a threat to his or her safety or the safety of others; or
2. The recruit repeatedly brings discredit or embarrassment to the Department;  
or

3. The recruit cannot perform basic tasks necessary to allow him or her to proceed in the Program.

### ***THE DECISION TO TERMINATE***

Before a decision to terminate is made, some questions must be asked:

1. What are the problems of the recruit?
2. What is causing these problems?
3. What have we done to overcome these problems?
4. How much remediation has been completed?
5. Has there been any improvement after remediation?
6. What are the chances that the recruit will improve in the future?
7. Have we fully documented these problems?

Once the FTO, and FTO Supervisor have reviewed these questions, and they decide that termination is the only feasible option, the Chief will be notified. The Chief of Police will then cause a meeting to be held at which the following personnel are in attendance:

1. All FTO's who have trained the recruit.
2. All FTO Supervisors involved in the recruit's training.
3. The Patrol Lieutenant

The purpose of this meeting is to discuss the recruit's performance and to ensure that the recruit has been given every chance to succeed. If at the conclusion of this meeting, the general consensus is still to discharge the recruit, termination recommendation will be made.

### **NOTIFICATION OF THE RECRUIT**

As soon as possible after the meeting, the FTO Supervisor will notify the recruit of the impending termination. Although the FTO has been trained to continually keep the recruit informed, it is not the FTO's role to notify the recruit of a

termination recommendation.

At the time of the recruit's notification, the recruit should be reassigned from patrol duties or given leave until his/her discharge. The recruit should not be allowed to perform normal field duties. The recruit is under too much stress and presents a liability to himself or herself, others and the Department.

### ***THE TERMINATION PACKAGE***

The current FTO Sergeant will be responsible for compiling a Termination Package and forwarding it through the chain of command to the Chief of Police. The Termination Package will consist of:

1. A report from each FTO that has trained the recruit,
2. A cover report from the FTO Sergeant,
3. The recruit officer's Police Recruit Guide,
4. A copy of all FTO related reports, and
5. Associated administrative letters and memorandums.

A discussion of each component of the packet may assist in its preparation.

1. The FTO Report: These reports will be in memorandum form and will detail the progress and performance of the recruit. As a general rule, these memorandums should be entitled, "Field Training Performance of Recruit \_\_\_\_\_." This will allow each FTO to prepare the documentation based on his own perception of performance.

These memorandums may be written in chronological order or category-by-category, but must contain documentation to support all claims. The FTO's documentation should contain, but is not limited to the following:

- a. An initial notation of what phase, week numbers, and dates the FTO worked with the recruit.
  - b. The total number of days the FTO worked with the recruit.
  - c. A description of incidents the recruit was exposed to, accomplishments and difficulties encountered, and any remediation initiated. This documentation should be supported by dates, times, locations, and service numbers, where appropriate.
  - d. An assessment of the recruits potential as a police officer,
  - e. A specific recommendation for retention or dismissal as an employee, As a general rule, only the primary and any Intensive Remediation FTO's should make this recommendation. Any Relief FTO's that make this recommendation should do so at the discretion of the FTO Supervisor.
2. The FTO Sergeant's Cover Memorandum: This memo should briefly summarize the FTO's memo and contain a specific recommendation for retention or dismissal as an employee. This document should also contain:

- a. An overall assessment of the recruit's performance to date,
  - b. The recruit's ability or lacks of ability, to benefit from further remediation.
  - c. The recruit's overall potential to perform the duties of a Peace Officer.
3. The Recruit Officer's Police Recruit Guide: This should be printed off the computer "J" drive and presented at the termination meeting.
  4. A Copy of All FTO Related Reports: A copy of each should be found for review:
    - a. All D.O.R.'S
    - b. All Weekly Supervisor Reports
    - c. All End-of-Phase Reports
  5. Associated Administrative Letters and Memorandums: An original of each of the following should be included in this package:
    - a. A memo addressed to the Chief of Police, noting a review by the FTO Supervisor, of relevant documents (See Example 7-1).
    - b. A memo addressed to the Chief of Police, recommending the status of rehire for the Recruit (See Example 7-2).

As the Termination Package goes up through the chain of command, each officer in the chain shall note his concurrence on the sergeant's memo or attach a memo explaining non-concurrence.

**CITY OF SOCORRO, TEXAS**

**OFFICE MEMO**

TO: John Wilson, Chief of Police

FROM: \_\_\_\_\_, Sergeant, FTO Supervisor

SUBJECT: **Termination: Recruit Police Officer** \_\_\_\_\_

DATE:

I have reviewed the letter to Officer \_\_\_\_\_ advising of his termination. It is in the correct form.

---

Sergeant  
FTO Supervisor

(EXAMPLE 7-1)

**CITY OF SOCORRO, TEXAS**

**OFFICE MEMO**

TO: John Wilson, Chief of Police

FROM: \_\_\_\_\_, Sergeant, FTO Supervisor

SUBJECT: **Recommendation for Rehire of** \_\_\_\_\_.  
**Badge No.:** \_\_\_\_\_

**DATE:**

Officer \_\_\_\_\_ was terminated from this Department on



\_\_\_\_\_, 20\_\_\_\_, for his inability to follow instructions and the use of excessive force. Because of his prior record, I recommend that he not be rehired as a member of the Socorro Police Department.

---

Sergeant,  
Sergeant, FTO Supervisor

(EXAMPLE 7-2)

### ***TERMINATION***

The Chief of Police will make the final decision to terminate the recruit. Once the Chief has reached this decision, the chain of command will be notified and the recruit will be scheduled to report to the FTO Supervisor's Office.

The FTO Supervisor will advise the recruit of the Chief of Police's decision and of the Department's intent to discharge him or her. As a matter of policy, a recruit may discuss the termination recommendation with anyone in the chain of command up to the level of FTO Supervisor. If the recruit expresses a desire to do so, the appropriate appointments will be made. Otherwise, or at the conclusion of these appointments, the recruit will be terminated. Should the recruit choose to resign after the decision to terminate has been made, the Termination Package will be completed and maintained for future reference.

A recruit's training file is confidential and shall be reviewed only by persons connected with the Program or by persons having a "need to know." Others desiring a review of any file shall first secure approval from the Chief of Police. Agencies conducting background checks on former employees will be directed to the Chief for information. Access to a recruit's training file will be granted only in accordance with the

Department's guidelines for release of confidential information.



# **SOCORRO POLICE DEPARTMENT**



# **PROCEDURES MANUAL**

Updates / Revisions to Sample Policy Manual – July 2015:

These highlighted changes reflect most of the changes made to the Sample Policy Manual. Additional minor changes were made that do not significantly influence the content and do not impact a Best Practice Standard.

### **Chapter 12.1 Property and Evidence**

#### **X PROPERTY AND 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
  - 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. A court order is required for any property the ownership of which is contested by two separate parties claiming ownership, unless such ownership can be reasonably established with documentation and information provided by either party

##### **2. Disposition of Firearms**

All firearms will be destroyed unless released to their rightful owner with two exceptions. Firearms that are scheduled for disposal that could be used by the department may be converted to departmental use upon written approval of the City Manager. These weapons will become the property of the department and not individual officers and will be tracked and accounted for on inventories and audits. Weapons of intrinsic collectable value or long guns (not handguns) of sporting value may be auctioned by the City of Socorro during the regular auction process. Only those persons possessing an FFL may bid on the weapons.

### **Chapter 10.1 Holding Facility Operations**

##### **C. Release due to Medical Reasons**

1. All felony offenses and all violent misdemeanors may be transported to necessary medical facilities and guarded until released and returned to jail, or a case is filed and custody turned over to the county, or bond is made.
2. Non-violent offenses classified as a class B or class A may be released on "pending investigation" due to medical reasons by an on-duty supervisor if the offenders have not been arraigned and there is no danger of a continuing threat to another person. If they have been arraigned, the on-duty supervisor will contact the magistrate and determine the method of release. If a case has been filed and immediate care is not necessary, officers may transport the prisoner and

release to the county. Any release of a class B or A non-violent offender requires the approval of a supervisor.

## **Chapter 8.2 Civil Disturbances and Mass Arrests**

### IV. PROCEDURES: General Management and Organization Principles

By law, this municipality may impose reasonable restrictions on the time, place, and manner of expressing first amendment rights. This department shall place only those limitations and restrictions on demonstrations necessary to maintain public safety and order and, to the degree possible, allow uninhibited commerce and freedom of movement for uninvolved persons. If any constraints are required they will first be reviewed by the chief of police, the city manager and city legal representation prior to implementation.

## **Chapter 7.42 Eyewitness Identification (Section VIII, Page 7 & 8)**

12. These restrictions apply to any field identifications,

### **Chapter 7.40 Investigations**

C. Interrogation of suspects

1. Custodial statements and confessions.

a. Miranda warnings are required and shall be administered prior to any custodial interrogation.

b. The following represent examples of situations that are not custodial and do not require issuance of Miranda warnings.

i. Investigatory stop and frisk or consensual encounters

ii. Questioning during a routine traffic stop (or detention) or for a minor violation, which includes driving while intoxicated (DWI) stops until a custodial interrogation begins. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.

Cont. Page 7

3. Invoking the Right to Silence

a. When a suspect invokes his/her right to remain silent, all interrogation shall terminate immediately.

b. Officers may interrogate a suspect who has previously invoked his right to silence if, after the passage of time, the suspect initiates communication with officers or fourteen (14) days have passed. However, prior to questioning Miranda warnings shall be re-administered and a waiver obtained.

Cont. Page 11

### X. DISPOSITION OF CASES

A. The officer or investigator shall maintain files of all cases assigned to him/ her. All case files shall be appropriately labeled with the date of incident, the name of victim, and/or the name of any suspect or arrested person.

The file may contain any of the following:

1. Original incident report and any supplementary reports or statements.

2. Photographs.

3. Lab reports,

4. Reports of disposition of any property pertinent to the case, such that which was stolen, confiscated, recovered, or otherwise dealt with.

5. Arrest reports

6. Investigative notes

7. All electronic and recorded communications – including but not limited to email, text, instant messages, and voice mail.
8. All other items developed, documented or seized during the investigation.

### **Chapter 7.16 Vehicle Impoundment and Inventory**

Page 3 – We no longer have “inspection stickers” on cars.

2. A vehicle may be presumed to be abandoned if it lacks either a current license plate, a current county, city, or town tag or sticker, and has been left unattended on public property (other than an interstate or primary highway) for more than 48 hours.

### **Chapter 7.13 Domestic Violence (Definitions)**

C. Family violence: An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.

D. Abuse: as defined by Sections 261.001(1) (C), (E), and (G) by a member of a family or household toward a member of the family or household.

E. Dating Violence: as defined by Section 71.0021.

Cont. Page 9 (#8 below was deleted and #1 was revised)

G. In determining probable cause, the officer shall NOT consider:

1. Race, sex, ethnicity, social class, or sexual orientation.
2. Whether the complainant has not sought or obtained a protective order.
3. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
4. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
5. That the complainant has not begun divorce proceedings.
6. Assurances of either or both disputants that violence will stop.
7. The lack of visible bruises or injuries.

### **Chapter 7.5 Search Warrants**

E. Protective Sweep: A quick and limited search of premises incident to an arrest or service of a warrant performed in order to locate other persons inside who might pose a risk to the officers. Officers must be able to articulate a reasonable basis for their safety concerns.

Cont. Page 8

C. When warrantless vehicle searches may be performed

1. As noted earlier, if feasible, warrants shall be obtained to search vehicles unless an exception applies. 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. 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.

b. 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 or recorded, if feasible.

c. Searches incident to the arrest of an occupant shall be limited to any area within reach of the arrestee. The passenger compartment is deemed to be within reach. This search may only occur if the officer has a reasonable belief that he or she will find evidence of the offense for which the occupant was just arrested. 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.)

### **Chapter 7.3 Arrests With & Without a Warrant**

#### Definitions -

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

#### IV. DISCRETION

A. Officers shall demonstrate discretionary judgment. Discretion shall be applied reasonably and shall be guided by the oath of office, the limits of authority as established by law, the decisions and interpretations of the courts, the policies of our department, and any instruction provided by field supervisors.

B. Officers shall not make arrests or take any enforcement action based in whole or in part on a person's sex, race, creed, color, age, general or assumed attitude, ethnic or natural origin, economic status, disabilities, or sexual orientation. The exception to this policy is that race and/or other identifying characteristics listed above may be used to build probable cause if they are relevant factors identifying a suspect.

### **Chapter 7.2 Field Interviews and Detentions**

#### I. POLICY

Per the US Supreme Court, there are only three types of encounters between police and civilians: (1) a consensual encounter in which the civilians voluntarily elect to stay and interact with the officer, (2) a detention based upon reasonable suspicion, which may include a frisk for weapons if the officer can state the facts and circumstances that justify the officer's fear for their safety, and, (3) an arrest based upon probable case. 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.



NOTE: Added #10 below on Page 2 of this policy – This is a reference to what is commonly called “felony running.” It’s not against the law for an individual to simply run. Police officers should have some additional information to reach “reasonable suspicion.” See below -

10. Flight from the officer may be considered as a fact or circumstance, but mere flight will be insufficient basis for reasonable suspicion.

### **Chapter 7.1 Constitutional Safeguards**

Page 2 – added #3

3. Temporary shall mean only that relatively brief amount of time that an officer may detain a person so the officer may initiate or continue the investigation, having reasonable suspicion to believe the person is involved in the criminal activity. Once the officer has determined that he or she has insufficient facts and circumstances to establish probable cause, or is not likely to obtain sufficient facts or circumstances to establish probable cause, the officer shall release the person.

The bottom of page 2 and top of page 3 - #3 paragraph was deleted entirely. The paragraph began, “The vast majority of persons...”

### **Chapter 2.3 Sexual Harassment**

C. Supervisors shall ensure that pornographic, demeaning, intimidating, or suggestive photographs, illustrations, cartoons or any other form of suggestive material are not posted or kept in any area of the department, including locker rooms, desks, offices or other locations. Materials of this kind used for investigative purposes shall be properly secured according to evidentiary standards. The material in question may be sexual in nature or insulting to a person based on race, religion, national origin, color, or age.

# XXXX POLICE DEPARTMENT

## Use of Force Supplement

### Use of Force:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Day of Week: \_\_\_\_\_ Shift: \_\_\_\_\_ Area: \_\_\_\_\_ Arr/Off.#: \_\_\_\_\_

Primary Officer Using Force: \_\_\_\_\_ # \_\_\_\_\_ Time on Dept: \_\_\_\_\_ Years \_\_\_\_\_ Mos. \_\_\_\_\_

Location: \_\_\_\_\_ Call Type: \_\_\_\_\_ Type Premises: \_\_\_\_\_

Subject Name: \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_

Address: \_\_\_\_\_ Hgt: \_\_\_\_\_ Wgt: \_\_\_\_\_

Subject Injured:  No  Yes: \_\_\_\_\_

Transported to: \_\_\_\_\_  Amb.  Refused Treatment

Officer Injury:  No  Yes: \_\_\_\_\_

Transported to: \_\_\_\_\_  Amb.  Refused Treatment

### Reason for Use of Force:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> To Effect Arrest | <input type="checkbox"/> To Defend Another Officer | <input type="checkbox"/> To Prevent Offense          |
| <input type="checkbox"/> To Defend Self   | <input type="checkbox"/> To Defend Another Person  | <input type="checkbox"/> Restrain for Subject Safety |
| <input type="checkbox"/> Other: _____     |  |  |

### Subject's Actions:

- |  |  |
|--|--|
| <input type="checkbox"/> Nonverbal cues indicating physical resistance                         | Number of Suspects Resisting: _____    |
| <input type="checkbox"/> Verbal threats, non-compliance with officer direction                 |  |
| <input type="checkbox"/> Dead weight, clinging to objects, preventing custody                  | Appeared or Known Under the Influence  |
| <input type="checkbox"/> Pulling, pushing, running away, to avoid control, not harming officer | <input type="checkbox"/> Alcohol       |
| <input type="checkbox"/> Assault, grabbing, pushing, kicking, striking officer or another      | <input type="checkbox"/> Drugs         |
| <input type="checkbox"/> Assault with intent and ability to cause death or SBI                 | <input type="checkbox"/> Mental issues |
| <input type="checkbox"/> Assault or threats with deadly weapon                                 | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Other: _____  |  |

### Officer Actions: (Check all that apply, if more than one type of force used, number in order of use.)

- |  |  |
|--|--|
| <input type="checkbox"/> Verbal Direction  | <input type="checkbox"/> Less Lethal Munitions (Bean bag, stinger, rubber) |
| <input type="checkbox"/> Soft Weaponless Control (Muscling, joint locks, pressure points)  | <input type="checkbox"/> Pointed Taser (Laser)                             |
| <input type="checkbox"/> Hard Weaponless Control (Hard strikes, leg strikes, shoulder pin) | <input type="checkbox"/> Discharged Taser                                  |
| <input type="checkbox"/> OC Spray  | <input type="checkbox"/> Pointed Firearm                                   |
| <input type="checkbox"/> Asp/Baton   | <input type="checkbox"/> Discharged Firearm                                |
| <input type="checkbox"/> Non-Lethal (Pepperball)   | <input type="checkbox"/> Other: _____                                      |

### Physical Control:

- |  |  |                                      |                                       |
|--|--|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> Not Used                    | <input type="checkbox"/> Pressure Points | <input type="checkbox"/> Takedown    | <input type="checkbox"/> Hobble       |
| <input type="checkbox"/> Muscling (grip, push, pull) | <input type="checkbox"/> Joint Lock      | <input type="checkbox"/> Handcuffing | <input type="checkbox"/> Other: _____ |

Effective:  Yes  No: \_\_\_\_\_

### OC Spray:

OC Spray:  Not Used  Attempted  Used Distance: \_\_\_\_\_ - \_\_\_\_\_ ft. Duration: 1: \_\_\_\_\_ 2: \_\_\_\_\_ 3: \_\_\_\_\_  
Effective:  Yes  No: \_\_\_\_\_

### ASP / Baton:

ASP / Baton:  Not Used  Used Number of Strikes: \_\_\_\_\_ Location: \_\_\_\_\_  
Effective:  Yes  No: \_\_\_\_\_

### Non Lethal / Less Lethal Munitions:

(insert number of rounds fired / hits)  
Non/Less lethal Munitions:  Not Used  Used Bean Bag: \_\_\_\_\_ Stinger: \_\_\_\_\_ Rubber: \_\_\_\_\_ Pepperball: \_\_\_\_\_  
Location of Hits: \_\_\_\_\_



\*\*\* Full Narrative of Use of Force in Arrest or Offense Report - Attach Copy to this Supplement \*\*\*

**Supervisor:**

Number of officers at scene and available when force used: \_\_\_\_\_

Video Reviewed

Comments: \_\_\_\_\_

\_\_\_\_\_

 In

Compliance with Policy

Supervisor: \_\_\_\_\_ # \_\_\_\_\_

 Further

Investigation Needed

Reviewed: \_\_\_\_\_  In Compliance

Investigation Needed

**Patrol Lieutenant**

Reviewed: \_\_\_\_\_  In Compliance

Investigation Needed

**Chief of Police**

*Elia Garcia*  
Mayor  
*Rene Rodriguez*  
At Large  
*Cesar Nevarez*  
District 1 / Mayor Pro-Tem



*Ralph Duran*  
District 2  
*Victor Perez*  
District 3  
*Yvonne Colon - Villalobos*  
District 4  
*Adriana Rodarte*  
City Manager

**DATE: July 20, 2020**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: CITY MANAGER, ADRIANA RODARTE**

**SUBJECT: *Discussion and action*** on Cielo Del Rio Unit 2 Subdivision Park status with the Villas de Socorro Subdivision.

**SUMMARY**

Status on the Park at Cielo Del Rio Unit 2

**STATEMENT OF THE ISSUE**

**FINANCIAL IMPACT**

**Account Code (GF/GL/Dept):**

**Funding Source:**

**Amount:**

**Quotes (Name/Commodity/Price) N/A**

**Co-op Agreement (Name/Contract#) N/A**

**ALTERNATIVE**

N/A

**STAFF RECOMMENDATION**

N/A

**REQUIRED AUTHORIZATION**

1. **City Manager** \_\_\_\_\_ **Date** \_\_\_\_\_

2. **CFO** \_\_\_\_\_ **Date** \_\_\_\_\_

3. **Attorney** \_\_\_\_\_ **Date** \_\_\_\_\_

**Timeline for Cielo del Rio Unit 2 with respect to City Council action**

**City Council Meetings**

**Preliminary Plat**

A preliminary plat for Cielo del Rio Unit 2 was presented on April 17, 2014.

The preliminary plat was approved on October 2, 2014.

**Final Plat**

A date cannot be ascertained demonstrating city council action.

**Exhibits**

January 2017 Cielo del Rio Unit 2 Plat (Recorded)

June 2017 Cielo del Rio Unit 2 Amending Plat (Recorded)