	BREHAM POLICE DEPARTMENT	
	Policy 1.1 Mission, Values, and Written Directive System	
	Revised Date: 5/18/2017	Replaces: Previous Policy
	Approved: Ron Parker Chief of Police	
	Reference: TBP 1.04.1	Reviewed Date: 07/13/2020

I. POLICY

Law enforcement agencies provide essential services to foster safe communities through crime prevention and deterrence. Administrators of these law enforcement agencies are obligated to train, supervise, and guide personnel in performing the variety of tasks, which create safe communities. At the same time, these administrators seek to improve employees' confidence and competence in performing tasks while reducing vulnerability and liability. To meet these obligations, agencies must manage themselves according to written directives. A manual of policies and procedures directs the day-to-day legal and ethical functioning of a law enforcement agency. Providing all members of the department with an understanding of the department's mission and values provides guidance for decision making when situations are not covered by direct policy or procedure.

II. PURPOSE

This document outlines the organization of the Brenham Police Department, its Policy and Procedure Manual, its authority, and defines three kinds of statements that appear in these documents: policy, rule, and procedure. It also states the department's mission and core values.

III. AGENCY MISSION AND VALUES

A. Mission:

1. The mission of the Brenham Police Department is to proudly serve the community by protecting our citizens, enforcing the law, and working in partnership with the public to enhance the quality of life by holding ourselves to the highest standards of performance and ethics.

IV. DEFINITIONS

A. Policy

1. A policy is a statement of the department's philosophy on a given issue. Policy consists of principles and values which guide the performance of department employees. Further, policy is based upon ethics, experience, the law, and the needs of the community.
2. Each section of the Manual will begin with an agency policy statement.
3. Only the Chief of Police determines policy.

B. Rule

1. A rule is a specific prohibition or requirement governing the behavior of employees.
2. Rules permit little, if any, deviation. Violations of rules normally result in discipline.
3. Rules appear in the Policy and Procedure Manual as well as other departmental documents.

C. Procedure

1. A procedure defines the acceptable method of performing an operation or activity. It differs from policy in that it directs employees' actions in performing specific tasks in a prescribed manner within the guidelines of policy.
2. Unlike rules, a failure to follow a procedure may result in discipline. Procedures constitute the agency-approved guide to performing tasks. Employees may depart from procedures only when, in their professional judgment, the situation warrants. Employees must be prepared to justify their actions in not following the defined procedure.

D. Memorandum

1. A memorandum provides useful, specific information to employees and may constitute a directive affecting specific behavior for a specific event or period of time, and is usually self-canceling.

2. Memoranda are not part of this manual. Memoranda may be issued by the Chief of Police or by other personnel or agencies. However, memoranda may be incorporated into future editions of this manual. Employees are advised that they may not alter components of this manual based on memoranda unless the memo was issued by the Chief of Police or designee.


V. WRITTEN DIRECTIVES (TBP 1.04.1)

A. Departmental Policy Manual and Standard Operating Procedures

1. The Policy Manual contains policy, rules, and procedures as defined above, and is a written directive governing organizational matters.
 2. A Standard Operating Procedure (SOP) primarily contains procedures and is a written directive governing operational matters and routine daily tasks such as how to respond to alarms, how to book a prisoner, etc.
 - a. Because they contain many procedural statements, SOPs permit some discretion. While SOPs are the preferred method of accomplishing a task, the agency recognizes that an employee may depart from procedures if unusual circumstances warrant, and supervisors approve. Employees must justify their actions and document any departure from Standard Operating Procedure.
 - b. While created by various offices within the department, the Chief of Police approves Standard Operating Procedures.
- B. No policy, rule, regulation, procedure or memorandum is valid unless signed by the Chief of Police or his/her designee.
- C. Within the context of any directive, the use of the word "shall" or "will" denotes an action or behavior that is mandatory and unequivocal. The words "may," "can," or "should" denote an action or behavior that is discretionary.
- D. Any member of the department may suggest or recommend changes to the Chief of Police concerning the Policy Manual or Standard Operating Procedure by forwarding the suggestion through their chain of command.
- E. The Chief of Police or his or her designee will completely review the Policy Manual and Standard Operating Procedures every two 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 this Department shall read, adhere to, and are held accountable for all directives, policies, procedures, rules, and instructional training material.
- B. All employees are responsible for the receipt of and adherence to all written directives that affect the employee and the employee's work status.
- C. All employees are responsible for receipt and maintenance of all directives that are distributed to that employee. Each employee of the Department shall sign a statement acknowledging that the member has received, read, understands and agrees to abide by the directive supplied to them in the appropriate manual(s), including revisions. If an employee does not understand the content of an order or directive, or believes that an order or directive 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 C above) shall be maintained in the written directive file.
- E. All employees shall comply with the provisions of these directives and the City Employee Handbook. If an issue is not addressed in the Employee Handbook, these directives shall apply. In the event a conflict exists between these directives and the Employee Handbook, the Employee Handbook shall control unless the Department Policy Manual is more restrictive.
- F. The Policy Manual and Standard Operating Procedures apply to all sworn officers and non-sworn employees of the Police Department both on and off duty.

	BRENHAM POLICE DEPARTMENT	
	Policy 1.2 Jurisdiction, Organization and Authority	
	Effective Date: 04/02/2020	Revised Date: 08/19/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP 1.01.1, 1.05.1, 1.06.1, 1.07.1, 2.03.1, 3.07.1, 6.05.1, and 8.10.1.	

I. POLICY

The department is established by state law and local ordinance, and consists of a Chief of Police, full and reserve officers and non-sworn employees as determined by the City Manager and council. The chief executive of the police department is the Chief of Police, appointed by and subordinate 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 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, or when another department requests assistance, or when enforcing laws on property owned by the city but outside its boundaries. The organization of the police department shall support the effective and efficient accomplishment of departmental responsibilities and functions according to community-oriented policing principles.

II. PURPOSE

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

III. AUTHORITY AND AGENCY JURISDICTION

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

A. Peace Officers are elected, employed, or appointed under Texas Code of Criminal Procedure Article 2.12 who hold a permanent peace officer license issued under Chapter 1701, Texas Occupations Code. Police Officers appointed/employed by the incorporated City of Brenham have all the authority granted to them by the State of Texas as Peace Officers. Appointed/employed officers have the responsibility to act within the law to preserve order, arrest offenders, and protect the residents and visitors to our city. Peace Officers Duties and Powers are derived from the Texas Code of Criminal Procedure under Article 2.13. The Authority of Peace Officers is listed under Texas Code of Criminal Procedure under Article 14.03

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 and/or threat of violence against a person, and then only to the extent that the officer is able to safely intervene. When off-duty or out of our primary jurisdiction, officers seldom have appropriate equipment, communications, or assistance needed to properly intervene in dangerous situations. Intervention in these cases may be resolved by calling appropriate authorities and remaining on scene to provide witness information.

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

IV. ORGANIZATIONAL STRUCTURE

A. Organizational structure

1. The City of Brenham Charter authorizes the creation of a police department to be headed by a Chief of Police. The Chief of Police is responsible for the direction of all activities of the department. This direction is accomplished through written and oral orders as well as by personal leadership. Written orders take the form of general orders, standard operating procedures, and other directives as needed.
2. The department consists of a Police Chief, two Captains, two Lieutenants, eight 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.
3. The Chief of Police will designate a supervisor (rank of Sergeant or higher) responsible for the Texas Best Practices Recognition Program.

B. Chain of Command and Succession

1. The Police Chief has full control over departmental activities. In the absence of the Police Chief, his designee shall take command and notify the Chief of all major decisions that are made in his absence. In the event all administrative staff is not available the on-duty Sergeant or Officer In Charge will take command until the return of an administrator.
2. Supervisors shall, without specific instructions, undertake the required details and assignments necessary to carry out the business of the department. Supervisors shall be guided in the assignment of personnel by the number of officers available for duty and the necessity to assign them where they will be most useful.

C. Span of control

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

D. Authority and responsibility

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

E. Authority of the Chief of the Department (TBP: 1.07.1)

1. As the chief executive of the department, the Chief of Police has full authority and responsibility for the leadership, management, direction, and control of the operation and administration of the department under City of Brenham Charter ARTICLE VI. Sec. 2
2. The Chief of Police shall attend the initial Police Training provided by Law Enforcement Management Institute of Texas as required by the Texas Education Code within 12 months of appointment.
3. The Chief of Police or his/her designee is also the Departmental Homeland Security coordinator and will maintain relationships with the State Homeland Security office and other state and federal Homeland Security resources. (TBP: 8.10.1)

F. ORGANIZATIONAL CHART (TBP: 1.01.1)

1. The chart at the end of this chapter denotes chain of command and intra-department relationships.
2. The Organizational chart is reviewed annually and updated as necessary to illustrate the current functioning of the department.

G. OATH OF OFFICE REQUIRED (TBP: 2.03.1)

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

H. AUTHORITY TO CARRY WEAPONS AND USE FORCE (TBP: 6.05.1)

1. Sworn officers who are licensed peace officers of the State of Texas are authorized to carry firearms and other weapons as identified in these directives and to use force when necessary and to the extent authorized by these orders and state law in enforcing the law and protecting the public.
2. Sworn officers who are off-duty are encouraged to carry firearms in order to take action when necessary to preserve life and property. When not in uniform, officers will not allow any weapon to be visible to the public unless it is carried in a holster and the officer's badge is displayed adjacent to the weapon.
3. Officers are not to carry any weapon when off-duty and have consumed or intend to consume any alcoholic beverages.

I. OFF-DUTY AUTHORITY

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

2. Authorized Off-Duty Arrests

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

- a. there is an immediate need to prevent a crime or apprehend a suspect
- b. the crime would require a full custodial arrest
- c. the arresting officer possesses appropriate police equipment and police identification

3. Off-Duty Responsibilities

While off duty, the police officer is responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities. When an officer is prohibited from taking off-duty enforcement actions under provisions of this policy, the officer shall act as a trained observer and witness to the offense and shall summon on-duty personnel as soon as reasonably possible. Where an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.

4. Prohibitions of Off-Duty Arrests

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

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

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

J. General Duties

The following guidelines are given to enhance each employee's understanding of their role and responsibility as they perform their job function. Each employee should also refer to their specific job description for additional duties and responsibilities.

- 1. CHIEF OF POLICE:** The Chief of Police is responsible for the overall leadership and management of the department. The major responsibilities of this position are the creation of departmental goals and objectives, long-range planning and strategy development, and the procurement of resources.

The Chief shall:

- (1) Have the authority to hire new members subject to personnel regulations and shall have the power to promote, discipline, or suspend any member of the department subject to the policies of the department and the city.
- (2) Establish and maintain high ethical standards for departmental employees.
- (3) At all times, be aware of departmental affairs and be assured that the duties of his/her subordinates are properly discharged.
- (4) Conduct or cause the inspection of all divisions, sections, and units of the department, evaluating the efficiency and effectiveness of their performance. When unsatisfactory conditions are found, he/she shall take appropriate corrective action.
- (5) Develop and conduct a sound program designed to earn the confidence of the public and shall interpret policies and objectives for department members, the media, and the public.
- (6) Maintain productive relationships with other departments, governmental agencies and private organizations to the benefit of the department.
- (7) Ensure prompt reporting to other city agencies of any important matters falling within their jurisdiction.
- (8) Maintain an active alliance with other professional police authorities and participate in programs for mutual improvement and proficiency in controlling crime and problems.
- (9) Encourage the development of improved techniques designed to increase effectiveness and efficiency in the delivery of law enforcement services.
- (10) Supervise and control the department's budgetary affairs.

2. **CAPTAIN:** The rank of Captain is responsible for the administration and managerial duties of their particular division to which he/she is assigned.

The Captain shall:

- (1) Be directly responsible to the Chief of Police for the proper administration of the division's affairs and supervision of members assigned to the division.
- (2) Maintain proper discipline of all assigned personnel and have authority to reprimand in accordance with departmental policy and procedures.
- (3) Be considered a part of the department's administrative staff and shall function on behalf of management.
- (4) Exercise authority commensurate with his/her responsibility.
- (5) Set an example for all subordinates for high ethical standards, courtesy and diligence.
- (6) Promptly obey and transmit all legitimate orders of higher authority, ensuring consistent interpretation and full compliance.
- (7) Perform such administrative duties as necessary and assigned, including planning, organizing, and directing the activities of his/her command.
- (8) Maintain a harmonious relationship with other elements within the department, allied agencies, and members of the general public.
- (9) Assist in the development of departmental programs, including training, improved job performance, public confidence, and efficient use of manpower, budget, equipment, and facilities.
- (10) Keep informed of the affairs of his/her division and ensures that the duties of his/her subordinates are properly discharged.
- (11) Act in the capacity of Chief of Police when appointed by proper authority.
- (12) Maintain hours of duty in accordance with the needs of his/her division but shall be available for duty and counsel at all reasonable times.
- (13) Be familiar with all policies and procedures of the department.
- (14) Conduct or cause the inspection of all sections and units within his/her particular division, evaluating efficiency and effectiveness of performance. When unsatisfactory conditions are found, he/she shall take appropriate corrective action.
- (15) Submit required reports to his/her supervisor to accurately reflect problems, solutions, services, or activities within his/her division.

- (16) Approve all vacation, leave, and training requests submitted by employees under his/her direct command within his/her division.
- (17) Review and approve all inspection of personnel and equipment forms completed by personnel within his/her division.
- (18) Review all transfer requests submitted by personnel within his/her command and forward them to the Chief of Police.
- (19) Appropriately assign tasks and responsibilities to personnel within his/her command to adequately achieve division objectives and to equally distribute work loads.
- (20) Conduct necessary briefing sessions with assigned personnel and disseminate appropriate information to ensure a complete communications process.
- (21) Cause accurate records to be kept on all assigned personnel, including leave and performance information.
- (22) Be responsible to his/her superior for the proper performance, discipline, conduct, and appearance for all assigned personnel.
- (23) Ensure that all personnel have reported for duty or have been properly excused. He/She shall account for all personnel at the end of the work day.
- (24) Be responsible for the control and proper maintenance of all equipment and/or facilities assigned to his/her division.
- (25) Continually evaluate the performance of assigned personnel to effectively prepare and/or review employee performance appraisals.
- (26) Assume command of field incidents, including large disturbances, major fire scenes (police activity), barricaded suspects, hostage incidents, or other serious crimes, in accordance with departmental policy and procedures.
- (27) Work directly with supervisors assigned to his/her command, assisting, observing, and instructing them on difficult tasks.

3. **LIEUTENANT:** The rank of Lieutenant is responsible for the managerial duties of their particular division to which he/she is assigned.

The Lieutenant shall:

- (1) Oversee daily operations of the Sergeants and their assigned units to align goals and objectives of the police department.

- (2) Supervise division personnel, including assigning and reviewing work, conducting performance reviews, and have the authority to reprimand in accordance with departmental policy and procedures.
- (3) Be considered a part of the department's administrative staff and shall function on behalf of management.
- (4) Exercise authority commensurate with his/her responsibility.
- (5) Be directly responsible to the assigned division Captain for the proper administration of the division's affairs and supervision of members assigned to the division.
- (6) Coordinates and works with other Lieutenant/s, Captain/s and Chief and manages communications between divisions under command. Conducts and attends meetings as necessary;
- (7) Analyze law enforcement data to identify problems and develops plans to resolve those problems;
- (8) Manages the development and implementation of inspections programs appropriate to division. Conducts inspections of all divisional operations to ensure effective resource utilization. Inspects equipment and appearance of subordinates regularly.
- (9) Promptly obey and transmit all legitimate orders of higher authority, ensuring consistent interpretation and full compliance.
- (10) Maintains records, prepares necessary reports and performs related work as required.
- (11) Promptly obey and transmit all legitimate orders of higher authority, ensuring consistent interpretation and full compliance.
- (12) Act in the capacity of the assigned division Captain when appointed by proper authority.
- (13) Maintain hours of duty in accordance with the needs of his/her division but shall be available for duty and counsel at all reasonable times.
- (14) Approve all vacation, leave, and training requests submitted by employees under his/her direct command within his/her division.
- (15) Be familiar with all policies and procedures of the department.
- (16) Keep informed of the affairs of his/her division and ensures that the duties of his/her subordinates are properly discharged.
- (17) Be responsible to his/her superior for the proper performance, discipline, conduct, and appearance for all assigned personnel.

- (18) Ensure that all personnel have reported for duty or have been properly excused. He/She shall account for all personnel at the end of the work day.
- (19) Assume command of field incidents, including large disturbances, major fire scenes (police activity), barricaded suspects, hostage incidents, or other serious crimes, in accordance with departmental policy and procedures.
- (20) Work directly with supervisors assigned to his/her command, assisting, observing, and instructing them on difficult tasks.
- (21) Encourage high moral and motivation of all assigned personnel to effectively accomplish specific tasks.

4. SERGEANT/POINT OF CONTACT: (UNIT/SQUAD SUPERVISOR). A sergeant is responsible to a particular squad or unit and is next in authority to the division commander and shall be responsible for the supervisory and operational duties within the unit.

The police sergeant shall:

- (1) Be directly responsible to the division commander for the proper operational performance and supervision of assigned personnel.
- (2) Maintain proper discipline of all assigned personnel and have authority to reprimand in accordance with departmental policy and procedures.
- (3) Be considered a part of the department's leadership and management efforts and shall function on behalf of the administration.
- (4) Set an example for all subordinates for high ethical standards, appearance, courtesy, and performance of police services.
- (5) Perform such administrative duties as necessary and assigned including planning, coordinating, organizing, and directing the activities of assigned personnel.
- (6) Promptly obey and transmit all legitimate orders of higher authority, ensuring consistent interpretation and full compliance.
- (7) Maintain a harmonious relationship with other elements within the department, allied agencies, and the general public.
- (8) Assist in the development of departmental programs including training, improved job performance, public confidence, and efficient use of manpower, equipment, and facilities.

- (9) Keep informed of all affairs of his/her squad or unit at all times is assured that the duties of subordinates are properly discharged.
- (10) Act in the capacity of division commander when appointed to do so by the proper authority.
- (11) Be familiar with all policies and procedures of the department.
- (12) Submit written reports to his/her supervisor as required to accurately reflect problems, solutions, services, or activities of his squad or unit.
- (13) Receive all leave and training requests submitted by assigned personnel.
- (14) Prepare and submit inspection reports of assigned personnel and equipment.
- (15) Submit training requests to his supervisor relating to the functioning of the squad or unit.
- (16) Appropriately assign tasks and responsibilities to personnel within his/her command to adequately achieve squad/unit objectives and to equally distribute work loads.
- (17) Review all transfer requests submitted by personnel within his/her command and forward them to the division commander.
- (18) Conduct necessary briefing sessions with assigned personnel and disseminate information in a timely manner.
- (19) Cause accurate records to be kept on all assigned personnel including leave and performance information.
- (20) Be responsible to his/her superior for the proper performance, discipline, conduct, and appearance of all assigned personnel.
- (21) Ensure that all personnel have reported for duty or have been properly excused. He/She shall account for all personnel at the end of the work day.
- (22) Be responsible for the control and proper maintenance of all equipment and/or facilities assigned to his/her squad/unit.
- (23) Continually evaluate the performance of assigned personnel to effectively prepare and/or review employee performance appraisals.
- (24) Assume command of field incidents, including large disturbances, major fire scenes (police activity), barricaded suspects, hostage incidents, or other serious crimes, in accordance with department policy and procedures.
- (25) Work directly with personnel assigned to his/her command, assisting, observing, and instructing them on difficult tasks.

(26) Review completed crime, investigation, or arrest reports prepared by assigned personnel when appropriate.

(27) Encourage high moral and motivation of all assigned personnel to effectively accomplish specific tasks.

(28) Ensure that timely news releases are made concerning matters of public interest and that information conforms to departmental policy.

(29) Maintain close coordination with other squads and units within the department to effectively accomplish assigned objectives.

- 5. POLICE OFFICER:** Police officers may be assigned to varying job assignments within the department and shall be under the direct supervision of the police sergeant/corporal in charge of that departmental component or his designee.

Police Officers shall:

(1) Be responsible for the appropriate enforcement of laws and ordinances; preserving the public peace; investigating crimes; protecting lives, property and individual rights; providing general police services to the public where appropriate; prevention and detection of crime; and apprehension and prosecution of offenders.

(2) Performs his/her duties in an efficient manner, conforming to all established rules, procedures, and policies.

(3) Exercise authority commensurate with his/her responsibility.

(4) Coordinate and direct his/her work efforts with the departmental goals and objectives in mind.

(5) Assist in the development of departmental programs for training, effective use of manpower, improving public confidence, and efficient use of equipment and facilities.

(6) Respond to all assignments in an expeditious manner within departmental policy.

(7) Maintain a permanent log in which the officer records related information.

(8) Complete accurate detailed reports of offenses and incidents coming to his/her attention as prescribed by departmental procedure.

(9) Conduct thorough and appropriate investigations of all offenses brought to his/her attention.

(10) Be responsible for securing, recording, and proper transportation of all evidence and property coming into his/her custody.

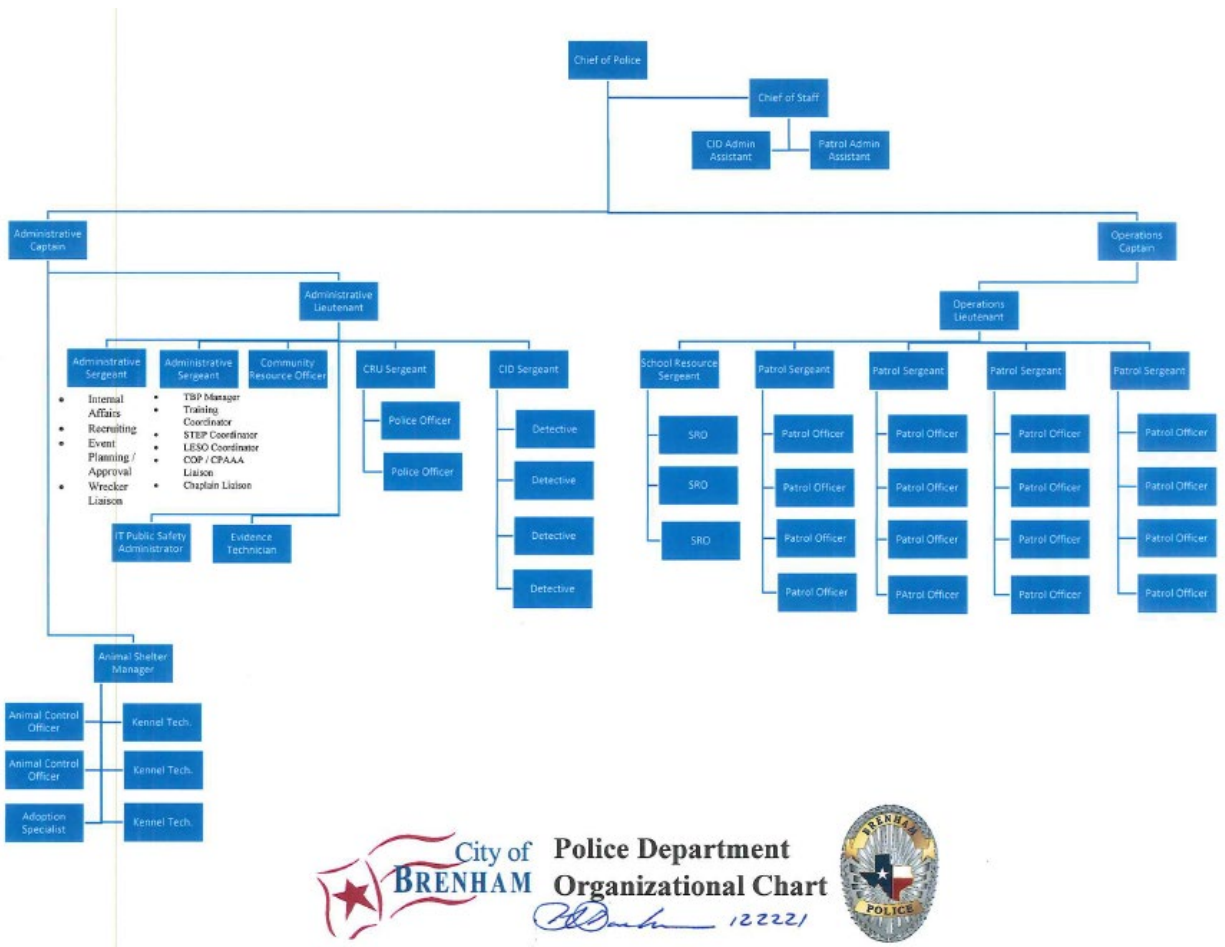
- (11) Assist all citizens requesting service, assistance, or information and explain any instance where jurisdiction does not rest with the police department.
- (12) Testify in municipal, state, and federal court during the prosecution of cases in which he/she has pertinent knowledge.
- (13) Be familiar with all departmental policy and procedures.
- (14) Promptly obey all legitimate orders of higher authority.
- (15) Maintain a harmonious relationship with other employees, departmental components, other agencies, and the general public.
- (16) Conduct himself/herself in a manner consistent with high ethical standards, courtesy, appearance, and diligence of performance of police services.
- (17) Perform other related police duties as assigned by proper authority.

6. NON-SWORN CIVILIANS. Civilian employees shall be assigned to various departmental divisions and shall be under the direct supervision of the bureau commander or Chief of Police.

A civilian employee shall:

- (1) Perform his/her assigned duties in an efficient manner, conforming to all established departmental rules, policies, and procedures.
- (2) Exercise authority commensurate with his/her responsibility.
- (3) Coordinate and direct his/her work efforts with departmental objectives in mind.
- (4) Suggest and assist in the development of departmental programs for training, improving public confidence and support, and in the efficient use of equipment, facilities, and manpower.
- (5) Complete all assignments in a willing and expeditious manner and within departmental policy.
- (6) Assist all citizens requesting service, assistance, or information and explain any instances where jurisdiction does not rest with the department.
- (7) Be familiar with all departmental policy and procedures.
- (8) Promptly obey all legitimate instructions from his/her supervisors.
- (9) Maintain a harmonious relationship with other employees, departmental components, other agencies, and the general public.
- (10) Conduct himself/herself in a manner consistent with high ethical standards, courtesy, appearance, and diligence of performance of police services.


(11) Perform other related duties as assigned by proper authority.



As of 01/2022

City of **BRENHAM** Police Department
Organizational Chart
122221



	BRENHAM POLICE DEPARTMENT	
	Policy 1.3 Fiscal Management	
	Effective Date: 07/24/2014	Revised Date: 07/13/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP 1.02.1, 1.03.1 and 1.10.1	

I. POLICY.

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

II. PURPOSE.

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

III. STATEMENT OF SPECIFIC RESPONSIBILITY

The Chief of Police, as a Department Head of the City of Brenham, Texas, has the authority and responsibility for the fiscal management of the Department. (TBP: 1.02.1)

- A. The Brenham Police Department will follow the City of Brenham Purchasing policy, and guidelines.

IV. DEFINITIONS

- A. Routine Expenditure: Purchases that are budgeted and or planned for and handled through the City Purchasing 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.
- C. Petty Cash Expenditure: A purchase of services, supplies or equipment, necessary for the operation of the Department. Individuals charged with the management of petty cash funds must approve any petty cash purchase prior to the purchase.

- D. Purchase Order (P.O.): An authorization from the City Purchasing Office for payment to a vendor for goods or services.
- E. Purchase Order Number (P.O. #): The number assigned by the City Purchasing Office for a specific expenditure. Vendors consider P.O. numbers as the same as cash, and must be indicated plainly on all invoices.
- F. Vendor: Any authorized retailer, wholesaler, manufacturer, or other supplier of goods or services to the City of Brenham.
- G. Tax Exemption Certificate: A document provided to vendors by the City Purchasing Office that indicates that purchases made for City use are exempt from state sales tax.
- H. Requisition: The form used to request goods or services.
- I. City Purchasing Office: The authority in the City of Brenham with the responsibility of exercising fiscal control over all expenditures made by City employees.

V. RESPONSIBILITIES

- A. The Chief of Police has the ultimate authority, responsibility, and accountability for the fiscal management of the Department. The Chief of Police prepares the departmental budget with input from supervisors and officers of the department.
- B. Supervisors are responsible for providing budget requests with any necessary documentation for their areas during the budget preparation process.
- C. The Chief of Police is also responsible for at least 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 City Purchasing Office is responsible for monitoring the suitability of vendors and the Police Department will not purchase goods or services from any vendor currently under suspension by the City. The Brenham Police Department will follow the City of Brenham purchasing policy.

VII. COLLECTION AND DISBURSEMENT OF CASH (TBP: 1.03.1)

- A. All cash funds or accounts where department employees are permitted to receive, maintain, or disburse cash (such as petty cash) will include:
 - 1. A balance sheet or system listing initial balance, credits, debits and balance on hand.
 - 2. A listing of cash received and from whom it was received.
 - 3. Records, receipts, documentation and invoices showing expenditures.

- B. All cash funds will be kept under lock and key and only authorized personnel will have access to the funds, log and/or balance sheet. The Brenham Police Department has the following funds:
 - 1. The Administrative Assistant to the Chief of Police will be responsible for Petty Cash - reconciled quarterly.
 - 2. The Patrol Secretary will be responsible for the Accident Report fees - reconciled quarterly.
 - 3. The Crime Reduction Unit Sergeant will be responsible for Narcotics Impress Funds - reconciled monthly.
 - 4. The Criminal Investigations Unit Sergeant will be responsible for the Criminal Enforcement Funds - reconciled quarterly.

- C. A member of the City Finance Department will audit the Narcotics Impress Funds monthly and the remaining cash funds will be audited quarterly.

VIII. EMERGENCY EXPENDITURES

- A. Any police employee needing to make an emergency expenditure will submit a memorandum through the chain of command detailing:
 - 1. What the expenditure is for.
 - 2. Why the expenditure constitutes an emergency.
 - 3. The cost of the expenditure.
 - 4. Emergency expenditures over \$3,000 require Purchasing Department approval.

- B. The Chief of Police, either in person or via the telephone is responsible for:
 - 1. Deciding whether the expenditure is an emergency.
 - 2. Causing the memorandum to be marked "approved" or "disapproved" and initialed.
 - a. If the Report is approved, the Chief will cause the telephone bidding of the goods or services requested to be made awarding the bid to the lowest bidder conforming to specifications and delivery requirements.
 - b. If the report is disapproved, notify the requesting person to proceed with a routine requisition discussed later in this Policy.

- C. It is the responsibility of the 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 Purchasing.
 - 3. Forward a copy of the report, along with all invoices or receiving slips, including the P.O. number to the Purchasing Department.

- D. 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 Purchasing Office and arrange for out of pocket cash reimbursements where applicable, using a payment authorization form with the attached receipts.

IX. ROUTINE EXPENDITURES

- A. It is the responsibility of any police employee needing to make a routine purchase of goods or services to:
 - 1. Obtain approval of a supervisor.
 - 2. Provide the reason, type of service or goods to be purchased on a Brenham Police Department request form.
 - 3. Deliver 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 Administrator Assistant on the next business day following the receipt of goods or services.
- B. Prior to approving the request, it is the responsibility of the Chief or designee, to secure adequate documentation for the purchase and ensure budgeted funds are available.
- C. Purchases of items costing more than \$1,000 are made after a requisition for material has been approved by the City 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 are taken and documented.
 - 3. When practical, the City Purchasing Office will handle the buying of items needed by the Department.
- D. Purchases costing \$1,000 to \$24,999.99 will be purchased on a competitive bid basis. Bids will be awarded to the lowest responsible bidder conforming to specifications and delivery requirements, after review by the 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 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 by telephone of the desire to cancel.
 - 2. Route a formal memorandum to the City Purchasing Office.
- G. Any employee, who makes a purchase requiring cash reimbursement, will take the receipt to the petty cash custodian for processing.

1. The petty cash custodian will ensure the expenditure meets the criteria for use of a payment.
2. Attach the receipt(s);
3. Forward the documents to the City Accounting Office;
4. The petty cash custodian has the authority to approve or disapprove all petty cash expenditures in accordance with established practice.

X. PROPERTY LOSS AS A RESULT OF POLICE DUTIES


- A. It is the responsibility of an employee experiencing a loss of personal property in the line of duty to submit a memorandum detailing:
 1. The circumstances of the incident.
 2. Whether the loss affecting the employee was a result of damage, lost or destroyed property.
 3. The value of property with proper documentation including: receipts, age and condition of the item(s) at the time of the loss, etc. There must be sufficient documentation that would enable a reasonable person to establish fair market value.
- B. It is the responsibility of the chain of command to make a recommendation for or against reimbursing the employee experiencing the loss and to:
 1. Recommend a dollar amount for replacement based on:
 - a. Fair market value of the item(s) or equipment.
 - b. Cost replacement for the item(s) or equipment that provides the same purpose.
 2. Expensive personal items such as jewelry, dress watches, fashion clothing and accessories will only be reimbursed at a rate based on the above criteria but in no circumstances shall reimbursement exceed \$200.00.
 3. The Chief of Police will make the final determination.
- C. Reimbursement will only be made for items that are normally utilized in the course of police duties, such as:
 1. Wrist watches, clothing, and any other non-departmental supplied equipment.
 2. Reimbursement will not be made for items that are not normally utilized in the course of police duties, such as ornamental jewelry, hats, and expensive watches, clothing or foot wear. Valuable items of this sort are worn at the employees own risk.
- D. All employees are expected to maintain care and control of City equipment. Personal items lost, stolen, or damaged that are submitted for replacement will be reviewed as to the circumstances surrounding the loss, including whether or not the employee made every reasonable effort to prevent the loss.

XI. AUDITING / ACCOUNTING

- A. An independent audit of Department fiscal affairs is conducted at least annually in connection with the annual city financial audit. The Chief of Police may order an internal audit any time it may be deemed necessary to assure accountability.
- B. The Chief of Police will cause an inspection of the petty cash account cash transactions on a random or as required basis. The inspection will include a review of the practice and procedures (formal and informal) of each area of fiscal management.
- C. The departments accounting system will include a monthly status report, which will be accomplished by the custodian of each petty cash account showing:
 - 1. Initial appropriation for each account.
 - 2. Balances at the commencement of the monthly period.
 - 3. Expenditures and encumbrances made during the period.
 - 4. Unencumbered balance at end of period.

XII. ACCOUNTABILITY OF DEPARTMENTAL CAPITAL EQUIPMENT (TBP: 1.10.1)

- A. All agency property is inventoried when received. The designated Quartermaster will be responsible for issuing agency owned property to authorized users. This includes recovering said property if required when the employee leaves the department. Large equipment such as vehicles will be issued by the Division Commander or their assigned designee.
- B. Departmental capital assets are marked with a property tag if the cost of the item is over \$1000.00., or if their use and life span is in excess of 3 years. All department firearms, TASERS, in-car computers, desktop computers, and vehicles (whether bought with city funds or through forfeiture actions) are considered capital assets. All capital assets will be inventoried at least annually to ensure proper accountability. The Administrative Captain will oversee the annual inventory, but he/she may delegate task and responsibilities as he/she deems appropriate.

	BREHAM POLICE DEPARTMENT	
	Policy 1.4 Inspections and Audits	
	Effective Date: 7/15/2011	Revised Date: 07/13/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP 7.25.1	Reviewed Date: 07/13/2020

I. POLICY

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

II. PURPOSE

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

III. DEFINITIONS

- A. Line Inspection. Line inspections are inspections conducted by the supervisory personnel directly responsible for the person, equipment, or facility being inspected. They are designed to examine, evaluate, and improve the performance of departmental personnel and equipment. A written report is not required for a line inspection unless it reveals a critical problem that should be brought to the attention of a higher command level.

- B. Readiness Inspections. A specific inspection conducted to evaluate both equipment and operational readiness of the department to respond to exceptional or emergency circumstances. Such inspections are regularly scheduled but may be initiated at any time at the direction of the Chief of Police or a designee.

IV. PROCEDURES

- A. Line Inspections

1. Line inspections shall be conducted by the immediate supervisor of the unit or personnel being inspected.
2. Line inspections shall be accomplished at roll call or at such other times as are appropriate for the type of inspection being conducted.
3. Special line inspections may be ordered at any time by the Chief of Police.
4. 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
5. Inspection Procedure
 - a. Unit supervisors shall conduct informal physical inspections of personnel, equipment, and other items, as directed. Normally no formal written report of line inspections will be required.
 - b. All line inspections shall be conducted in accordance with all appropriate safety precautions.
 - c. Firearms, both individual and department owned that are used on duty will be inspected for cleanliness and functionality. 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.
6. Wherever possible, deficiencies discovered during line inspections shall be corrected immediately by the inspecting supervisor. Where immediate correction is not possible, a re-inspection of the deficient item shall be conducted at the earliest possible date to ensure that the corrective action has been taken.


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

B. Readiness Inspections (TBP: 7.25.1)

1. Equipment Readiness Inspections will be conducted on all department special use equipment every quarter. This inspection will be conducted by the Support Services Sergeant or their designee.
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 8.3.) Special use equipment includes special use vehicles, equipment or supplies for special events or disasters, or specialized investigative equipment.
3. Checklists should indicate the unit, date inspected, condition of each item, and the person who inspected the equipment. Any maintenance needs will be identified. Copies of each unit Checklist shall be forwarded to the Chief of Police for review.

C. Citizens On Patrol (C.O.P.) Volunteers

1. Authorized volunteers of the C.O.P. program will perform regular inspections on departmental issued equipment and property. Equipment includes, but is not limited to the MRAP/Caiman and ATV. Property includes any Police Department owned facility such as the gun range.
2. Inspection forms will be completed by authorized volunteers and are considered official documentation for departmental purposes.
3. Inspection results will be forwarded to the appropriate Captain or his/her designee that is responsible for the equipment and/or property examined.

	BRENHAM POLICE DEPARTMENT	
	Policy 1.5 Mutual Aid	
	Effective Date: 7/15/2011	Revised: 4/13/2016
	Approved: Ron Parker Chief of Police	
Reference:	Reviewed Date: 07/13/2020	

I. POLICY

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

II. PURPOSE

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

III. PROCEDURE

A. Jurisdiction

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

B. Mutual aid

1. For the purpose of this policy, mutual aid is defined as the assistance given or asked for between the department and other law enforcement agencies during emergencies. The circumstances which require mutual aid can include one or more of the following situations:
 - a. Enforcement of laws which control or prohibit the use or sale of controlled drugs;
 - b. Any law enforcement emergency involving an immediate threat to public safety;
 - c. When executing orders for the temporary detention or emergency custody of people for mental health evaluation;
 - d. Any public disaster, fire, flood, epidemic, or civil disorder.
2. Mutual aid may be requested from or provided to another law enforcement agency by the department at the discretion of the on-duty supervisor; however, officers must remember that they are primarily responsible for providing law enforcement service to our jurisdiction. There are generally three levels of mutual aid assistance as follows:
 - a. Short duration, approximately 30 minutes or less, where an additional show of force, backup, traffic control or assistance with prisoner transportation is required.
 - b. Medium duration, approximately one to four hours, where the senior officer on duty may provide or request assistance from the neighboring law enforcement agencies, the County Sheriff, or Texas DPS; however, their role is normally confined to a showing of force, backup, transporting prisoners, or traffic control.
 - c. Long duration, more than four hours, full scale assistance required. The on-duty supervisor shall immediately notify the Chief of Police who will assist in coordinating additional aid as required.
3. Any Mutual Aid support between the department and neighboring law enforcement agencies shall be coordinated in advance through a written agreement. A list of cities with existing Mutual Aid agreements can be found in the city Emergency Action Plan and in the Communications Center.
4. Mutual Aid Agreements shall be reviewed annually to ensure compliance with National Incident Management System requirements.
5. When taking law enforcement actions at the emergency site, including uses of force, officers from this department shall at all times adhere to this department's policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use.


6. Occasionally, it is necessary to request assistance from a federal law enforcement agency when a major crime has occurred and the suspect may have left the state. The Chief of Police shall decide whether or not to notify the FBI or other appropriate agency.
7. If the department, with the help of neighboring law enforcement agencies and DPS, is unable to cope with an emergency such as a riot or civil disturbance, the Chief may contact the governor's office for National Guard assistance.

C. Statewide law enforcement support

1. The department is a member of and participates in the use of the Statewide Interoperability Channel Plan and complies with the procedures for its use. A copy of these procedures can be found posted in the department communication's 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
 - b. Canine teams—DPS Canine teams shall only be used to track, and great caution shall be used in deploying teams in heavily populated or congested areas. Handlers are responsible for compliance with their own agency policies and procedures.
 - c. Helicopter or fixed-wing aircraft--DPS. Normally, requested in advance by the Chief of Police to the Director. May be available on an emergency basis through DPS.
 - d. Polygraph: DPS
 - e. Riot truck and equipment: DPS
 - f. Bomb disposal: DPS

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

1. Only the Governor has the authority to provide State Law Enforcement Assistance during an emergency 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 that the Mayor contact the Governor if State Law Enforcement assistance is required.
2. During declared emergencies and disasters, the support listed in section C above is requested through the Mayor in the regular NIMS process.

	BRENHAM POLICE DEPARTMENT	
	Policy 1.6 Departmental Reports	
	Effective Date: 7/15/2011	Revised: 04/02/2020
	Approved: Ron Parker Chief of Police	
	Reference:	

I. POLICY

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

II. PURPOSE

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

III. ADMINISTRATIVE REPORTS

A. Monthly N.I.B.R.S

A monthly N.I.B.R.S (National Incident-Based Reporting System) is compiled by the Chief of Police's designee and a copy provided to the Chief of Police for review. The original of this report is submitted to the Texas Department of Public Safety.

B. Annual Report

The Annual Report is compiled by the Chief of Police or his/her assigned designee. The report contains an annual summary of the monthly report information and other information which is required by both policy and law. The Annual Report is forwarded to City Manager for presentation to the City Council.

IV. POLICE RECORDS


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

V. DESTRUCTION AND RETENTION OF RECORDS

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

VI. DEPARTMENTAL FORMS

- A. The department shall develop standard forms to be used by officers to assure uniform and consistent reporting of enforcement and enforcement related activities, and to satisfy the requirements of State and Federal Agencies.
- B. Departmental forms may be created by the unit needing the form, when a form does not yet exist. Any personnel in the department may suggest revisions to an existing form or propose a new form. Proposals and suggestions are submitted to the employee's supervisor, and care is exercised so as not to conflict with any City policies or forms.
- C. The Chief of Police must approve all departmental forms.

	BRENHAM POLICE DEPARTMENT	
	Policy 1.7 Departmental Goals and Objectives	
	Effective Date: 7/15/2011	Replaces: Previous Policy
	Approved: Ron Parker Chief of Police	
	Reference:	Reviewed: 07/13/2020

I. POLICY


The City of Brenham constructs a long term Strategic Plan that outlines the organizational Goals and Objectives over a three to five year period. The City Manager and Council develop this Strategic Plan with input from the department directors and the community. Each September, the City Manager will update the Strategic Plan by eliminating goals which have been accomplished and adding new goals that have been developed.

II. PURPOSE

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

III. ANNUAL GOALS AND OBJECTIVES

- A. Each October, after the revision of the Strategic Plan, the Chief of Police will develop Annual Goals and Objectives for the Department. This one-year plan will consist of those goals in the Strategic Plan that are identified for accomplishment that year plus any additional department specific goals that need to be addressed.
- B. The Chief of Police shall forward a report on the accomplishment of the previous year's goals to the City Manager by the first of November each year.
- C. Each supervisor is responsible for insuring that all personnel under their command are given the opportunity to provide input to the goals, objectives and strategies of each organizational component.
- D. Upon completion, the One-Year Plan is to be distributed to all departmental personnel. It is the responsibility of each supervisor to ensure that personnel under the supervisor's command receive the goals, objectives and strategies of their organizational component.
- E. The Chief of Police reviews semi-annually, with the supervisory staff, the progress in attaining the goals, objectives and strategies of each organizational component.

	BREHAM POLICE DEPARTMENT	
	Policy 2.1 Rules of Conduct	
	Effective Date: 7/15/2011	Revised: 07/14/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP 1.08.1, 2.02.1, 2.12.1, 2.14.1, 2.15.1, 2.16.1, 2.17.1, 2.18.1, 2.19.1, 2.20.1, 2.21.1, and 2.22.1	

I. POLICY

The Brenham Police Department and the public expect all personnel to maintain high standards of appearance and conduct. The Brenham Police Department will proudly serve the community by protecting our citizens, enforcing the law, and work in partnership with the public to enhance the quality of life by holding ourselves to the highest standards of performance and ethics.

II. PURPOSE

To define departmental expectations for on and off-duty personal behavior. This order applies to all employees both sworn and non-sworn. (TBP: 2.12.1)

III. CODE OF ETHICS (TBP: 2.02.1)

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

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

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

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

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

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

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

IV. GENERAL DUTIES

- A. All officers shall, within jurisdictional limits, conduct patrol duties, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, the laws of the State of Texas, and all local ordinances, according to the rules, regulations, and general orders of the department. Officers must know that when they act under color of law, they are enforcing the law according to statutes, written administrative guidance in the department, ordinances, common usage, and custom. Further, officers shall exhibit good moral character in the administration of their duties according to departmental orders.
- B. The department maintains the right to establish oral and written orders to govern and control the efficiency, effectiveness, and safe operation of law enforcement. Officers shall be trained in the rules and expectations of professional conduct prior to assuming law enforcement duties.
- C. Management reserves the prerogative to discipline personnel for violations of the rules listed in this order as well as violations of all departmental orders and directives. The decision to discipline and the measure of discipline employed depend on the rule or law violated, and the consequences of the employee's actions, and the employee's prior history and experience.
- D. Performance Prohibitions
 1. As appropriate, disciplinary action may be taken for any of the following reasons:
 - a. Incompetent or inefficient performance or dereliction of duty;

- b. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature which discredits or injures the public. Insubordination may also consist of direct, tacit, or constructive refusal to do assigned work.
 - c. Mental or physical unfitness for the position which the employee holds.
 - d. Conviction of a felony or misdemeanor involving conduct amounting to moral turpitude (see III.A), or a pattern of misconduct as displayed by series of misdemeanor convictions.
 - e. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, or any other form of misconduct or negligence of which the employee has knowledge.
 - f. Failure of 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.
2. Nothing in these rules and regulations limits the charges against employees because the alleged act or omission does not specifically appear in this manual, other order of the department, or in the laws or ordinances of which the department is responsible to enforce.
 3. No member of the department shall be a member of any organization which advocates the violent overthrow of the government of the United States, the State of Texas, or any unit of local government, or participate in any organization which has a purpose, aim, objective, or any practices which are contrary to the obligations of a law enforcement officer under these rules and regulations.

E. Obedience to Rules of Conduct, laws and orders

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

1. Obedience to Laws. Employees shall abide by the laws of the United States and the State of Texas as well as the ordinances of the City of Brenham.
2. Adherence to Departmental Rules. Employees shall abide by the rules of the City Personnel Rules, and the Policy and Procedure Manual and other properly issued internal directives of the Police Department.

3. Applicability of Rules. Certain rules may not apply in undercover police assignments specifically authorized by supervisors in accordance with this Policy Manual. Officers will be strictly accountable for justifying their actions.
4. Insubordination. Employees shall promptly obey all lawful orders and directions given by supervisors. The failure or deliberate refusal of employees to obey such orders shall be deemed insubordination and is prohibited. Flouting the authority of a supervisor by displaying obvious disrespect or by disputing their orders shall likewise be deemed insubordination. Officers shall respond to all calls for service from the radio dispatchers.(TBP: 1.08.1)
5. 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.
6. Obedience to Unjust or Improper Orders. If an employee receives an order he/she believes is unjust or contrary to a departmental General Order he/she may appeal the order to the Chief of Police via the proper chain-of-command.
7. 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 ordinances of the City of Brenham. If an employee receives an unlawful order, they shall report in writing the full facts of the incident and their actions to the Chief of Police via the chain-of-command.
8. Conflicts of Orders. If an employee receives an order that conflicts with one previously given them by a supervisor, the employee receiving the order shall respectfully point this out to the supervisor who gave the second order. If the supervisor giving the second order does not change the order in a way that eliminates the conflict, the second order shall stand and shall be the responsibility of the second supervisor. If the second supervisor so directs, the second order shall be obeyed first. Orders shall be countermanded by the next highest ranking officer only when necessary for the good of the department. (TBP: 1.08.1)

F. Attention to Duty

1. Performance of Duty. Employees shall be attentive to their duties at all times, and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any departmental rules or procedures manual.
2. Duty of Supervisors. Supervisors will enforce the rules, regulations, and policies of the Brenham Police Department. They will not permit, or otherwise fail to prevent, violations of the law, departmental rules, policies or procedures. They will report violations of departmental rules, policies, or

procedures to their immediate superior without delay. Where possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.

3. Conduct and Behavior. Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department, and shall at all time use sound judgment.
4. Responsibility to Serve the Public. Employees shall promptly serve the public by providing direction, counsel and other assistance that does not interfere with the discharge of their duties. They shall make every attempt to respond to the inquiry or request for assistance themselves.
5. Responsibility to Respect the Rights of Others. Employees shall respect the rights of individuals, and shall not engage in discrimination, oppression or favoritism. Employees shall maintain a strictly impartial attitude toward all persons with whom they come in to contact with in an official capacity. (TBP: 2.17.1)
6. Truthfulness. Members shall be truthful in all official verbal and written communications and reports. Employees will be truthful in any court related testimony or agency investigations. (TBP: 2.14.1) Officers who are undercover or conducting interviews or interrogations may find it necessary to provide inaccurate information in order to maintain their cover or determine the truthfulness or veracity of a subject.
7. Officers Always Subject to Duty. Officers shall at all times respond to the lawful orders of supervisors, and to the call of individuals in need of police assistance. The fact that they may be off-duty shall not relieve them from the responsibility of taking prompt and proper police action or from being recalled to duty as needed.
 - a. The above shall not be construed to include enforcement of laws of a Class "C" misdemeanor nature, or traffic offenses except for breach of the peace, theft, or assault.
 - b. While off-duty, or in their personal vehicle, officers shall not enforce, or take any police action to enforce Class "C" traffic offenses.
8. Officers Required to Take Action. Except where expressly prohibited, Officers are required to take prompt and effective police action conforming to departmental policy with respect to violations of laws and ordinances coming to their attention or of which they have knowledge. Officers shall promptly and punctually perform all official duties. Officers shall render, or cause to be rendered, medical assistance to any injured person. Officers will

intervene and immediately report any infractions of the law or policies committed by other police officers, to their supervisors.

9. Reporting for Duty. Employees shall promptly report for duty properly prepared at the time and place required by assignments, training, subpoenas, or orders. Line officers shall remain at their posts or place of assignment until properly relieved by another officer or dismissed by a supervisor. All other officers and employees shall promptly report for duty properly prepared at the time and place required by assignment and shall remain at their post, place of assignment, or otherwise engaged in their duty assignment until having completed their tour of duty as set by established procedures or dismissed by a supervisor. Employees are subject to emergency recall and shall report for duty during emergencies when so notified by a supervisor or the Chief of Police. (TBP: 2.16.1, 2.22.1)
10. Exceptional leave. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible. If unable to report to work, employees shall notify the on-duty supervisor at least one hour before reporting time.
11. Remaining Alert to Duty. While on duty or at training, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.
12. Prohibition of Personal Business while on Duty. While on duty, officers shall not engage in any activity or personal business which would cause them to neglect their duty.
13. Availability While on-duty. Employees while on-duty shall not conceal themselves except for some authorized police purpose. Employees shall keep themselves immediately and readily available at all times while on-duty.
14. Assistance to fellow Officers. An officer shall not display cowardice in the line of duty or in any situation where the public or another officer might be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might be impending.
15. Prompt Response to All Calls. Officers while on-duty shall respond without delay to all calls for police service. Calls shall be answered in compliance with normal safety precautions, traffic laws and departmental policy.
16. Duty to Report All Crimes and Incidents. Employees shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations and police information that come to their attention. Employees shall not conceal, ignore or distort the facts of such crimes, violations, emergencies, incidents and information.

17. Responsibility to Know Laws and Procedures. Employees shall know the laws and ordinances they are charged with enforcing, all departmental orders and rules, and the duties and procedures governing their specific assignments.
18. Responsibility to Know Districts and Locations. Officers shall know the location and boundaries of their assigned areas. Officers also shall be familiar with the names and general locations of Brenham streets and highways and the names and locations of hospitals and major public buildings.
19. Keeping Posted on Police Matters. Each day while on-duty and immediately upon returning from an absence, employees shall study and become familiar with the contents of recently issued communications and directives.
20. Sleeping on-duty. Employees must be alert throughout their tours of duty. Sleeping while on-duty is forbidden.
21. Assisting Criminal Activity. Employees shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons guilty of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.
22. 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.
23. 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.
24. 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.
25. 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. Any change in address or telephone number must be reported immediately.

26. 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.
27. 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 use their own discretion as to whether to carry sidearm's. Off Duty officers while operating a city vehicle are required to carry a side arm.
28. Registration of Firearms. All weapons carried and used by officers in the performance of their official duties must be registered with the department. Required registration information must be kept current.

G. Cooperation with Fellow Employees and Agencies

1. Respect for Fellow Employees. Employees shall treat other members of the department with respect. They shall be courteous, civil and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language.
2. Interfering with Cases or Operations. Employees shall not interfere with cases assigned to others. Employees shall not interfere with the work or operations of any unit in the department or the work or operations of other governmental agencies. Employees against whom a complaint has been made shall not directly or indirectly contact or attempt to contact for any reason, the complainant, witness or any other persons related to the case in an attempt to intimidate or to secure the abandonment or withdrawal of the complaint, charges, or allegations.

H. Restrictions on Behavior

1. Interfering with Private Business. Employees, during the course of their duties, shall not interfere with the lawful business of any person.
2. Use of Intimidation. Employees shall not use their official positions to intimidate persons.
3. Soliciting and Accepting Gifts and Gratuities. Unless approved by the Chief of Police, employees of the Brenham Police Department may not accept any reward, gratuity, gift or other compensation for any service performed as a result of or in conjunction with their duties as employees of the department regardless of whether the service was performed while said persons were on or off-duty. Employees also shall not solicit any gift, gratuity, loan, present, fee or reward for personal gain. (TBP: 2.21.1)
4. Soliciting and Accepting Gifts from Suspects and Prisoners. Employees are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee

or other item of value, or from lending or borrowing, or from buying or selling anything of value from or to any suspect, prisoner, defendant or other person involved in any case, or other persons of ill repute, or professional bondsmen, or other persons whose vocations may profit from information obtained from the police department. (TBP: 2.21.1)

5. Reporting Bribe Offers. If an officer receives a bribe offer, he shall make a written report to his commanding officer. (TBP: 2.21.1)
6. Accepting Gifts from Subordinates. Without approval from the Chief of Police, employees shall not receive or accept any gift or gratuity from subordinates, other than customary celebratory times such as holidays or birthdays. (TBP: 2.21.1)
7. Soliciting Special Privileges. Employees shall not use their official positions or identification to solicit special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or free or discounted meals or refreshments. (TBP: 2.21.1)
8. Personal Use of Police Power. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
9. Giving Testimonials and Seeking Publicity. Employees representing themselves as members of the Brenham Police Department shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Employees also shall not seek personal publicity either directly or indirectly in the course of their employment.
10. Soliciting Business. Employees shall not, while on-duty, solicit subscriptions, sell books, papers, tickets, merchandise or other items of value nor collect or receive money or items of value for any personal gain to themselves or others. Employees may solicit for projects related to charitable fundraising, but only when done in a manner not to disrupt the workplace and only with the approval of the Chief of Police or his designee.
11. Drinking on-duty. Employees shall not drink any intoxicating beverages while on-duty. (See IV. H. 12 for special assignment officers) (TBP: 2.19.1)
12. Intoxication. Employees shall not be under the influence of any intoxicating beverage or substance during their tour of duty or immediately prior to their tour of duty. Nor shall officers be intoxicated off-duty while in the public view. While off-duty, officers that have consumed an alcoholic beverage to the extent that their mental and physical faculties are impaired shall

refrain from exercising any police authority. Officers assigned to special units, or assignments where they may consume alcoholic beverage during the performance of their duties shall not do so to the extent that their mental and physical faculties are significantly impaired. (TBP: 2.19.1)

13. Drinking While in Uniform. At no time shall any officer consume alcoholic beverages while in uniform. (TBP: 2.19.1)
14. Liquor on Official Premises. Employees shall not bring containers of intoxicating beverages into a Police Department building or vehicle except as evidence. (TBP: 2.19.1)
15. Entering Bars, Taverns and Liquor Stores. Officers on-duty or in uniform shall not enter or visit any bar, lounge, parlor, club, store or other establishment whose primary purpose is the sale and on-premise consumption of liquor unless for the purpose of official duties, and shall not otherwise enter, remain or frequent such places. Officers on-duty or in uniform also shall not purchase intoxicating beverages. (TBP: 2.19.1)
16. Drug Usage. While on or off duty, employees shall not use any illegal drug or any controlled drug not prescribed by a physician. Employees shall notify their supervisor if they are using any prescribed drug or any other medication or medical device that the employee believes might impair their driving or critical decision making. (TBP: 2.20.1)
17. Tobacco / Vaping Use. Smoking tobacco, smokeless tobacco, and Vaping 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.
18. Public Tobacco and Vaping use Prohibited. Officers shall not smoke, vape or otherwise use any tobacco products while engaged in traffic control, on an investigation, or while otherwise in contact with or in view of the public.
19. Playing Games on-duty. Officers on-duty or in uniform shall not engage in any games of cards, billiards, pool, dominoes, electronic arcade games, portable electronic games, computer games including both internally programmed games such as solitaire or Internet based games, or other games.
20. Political Activity. While in uniform or on-duty, officers are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns. Civilian employees are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns while on-duty. (TBP: 2.15.1)

21. Improper Release of Information. Employees shall not communicate to any person who is not an employee of this department any information concerning operations, activities, or matters of law enforcement business, the release of which is prohibited by law or which may have an adverse impact on law enforcement operations or officer safety.
22. Seeking Personal Preferment. Employees shall not solicit petitions, influence or seek the intervention of any person outside the department for purposes of personal preferment, advantage, transfer, advancement, promotion or change of duty for themselves or for any other person.
23. Criticism of the Department. Employees shall neither publicly nor at internal official meetings criticize or ridicule the department or its policies, city officials or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.
24. Disruptive Activities. Employees shall not perform any action that tend to disrupt the performance of official duties and obligations of employees of the department or which tend to interfere with or subvert the reasonable supervision or proper discipline of employees of the department.
25. Operation and Use of Police Radios. Operation and use of police radios is restricted to authorized and official police business. Personal conversations, or using vulgar, sarcastic or obscene language, or making unnecessary sounds are not permitted.
26. Use of Racial Jokes and Slurs. No employee shall engage in any form of speech likely to be construed as a racial, ethnic or religious slur or joke, whether in the presence of the public or of other employees.
27. Use of Force. Officers shall use only that amount of force reasonably necessary to accomplish their police mission.
28. Indebtedness to Subordinates. Supervisors shall not become indebted to their immediate subordinates.
29. Personal Relationships Prohibited with Certain Persons. Employees shall not become personally involved or develop a personal or social relationship with a victim, witness, suspect, or defendant of an agency case during the course of any investigation or prosecution. (TBP: 2.18.1)
30. Duty to be Kind, Courteous, and Patient. Employees shall at all times be courteous, kind, patient, and respectful in dealing with the public. Employees shall strive to win the respect of all members of the community in the discharge of their official duties. When addressed, employees shall avoid answering questions in a short or abrupt manner, and shall not use

harsh, coarse, violent, profane, indecent, suggestive, sarcastic, or insulting language.

I. Identification and Recognition

1. Giving Name and Badge Number. Officers shall give their name, badge number and other pertinent information to any person requesting such facts unless doing so would jeopardize the successful completion of a police assignment.
2. Carrying Official Identification. Officers shall carry their official identification on their persons at all times. All employees will carry their official identification on or about their persons while on-duty.
3. Personal Cards. Employees are not permitted to have or use personal cards showing their connection to the department if such cards bear any information not directly pertaining to their work as police department employees.
4. Exchange, Alteration or Transfer of Badge. An employee's issued badge shall not be altered or exchanged between employees or transferred to another person except by order of the Chief of Police. Employees retiring may retain their badge at the discretion of the Chief of Police. Officer(s) resigning will not be permitted to retain their badge when doing so will hamper normal operations of the department.

J. Maintenance of Property

1. Use of City Property or Service. Officers shall not use or provide any city equipment or service other than for official city business.
2. 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.
3. Departmental Vehicles. Employees shall operate department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the operator shall notify a supervisor immediately. Under no circumstances shall an officer investigate his or her own accident. The Texas Department of Public Safety will be requested to investigate police involved accidents.
4. Reporting Damage. At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisors. Failure to report damage or defects creates the presumption that the employee inspected the vehicle and found no

damage or defects. The employee, in this case, shall be held responsible for the damage.

5. Responsibility for Private Property. Employees are responsible for protecting private property or equipment that has come into their possession by reason of their office against loss, damage, or destruction.
6. Care of Quarters. Employees shall keep their offices, lockers and desks neat, clean and orderly.
7. Property and Evidence. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any property or evidence coming into the possession of an employee shall be submitted to the property room prior to the end of shift.
8. Alteration or Modification of Police Equipment. Officers shall not use any equipment that does not conform to departmental policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no changes, alterations, modifications or substitutions shall be made to such equipment unless approved by the Chief of Police.


K. Relationship with Courts and Attorneys

1. Attendance in Court. Employees shall arrive on time for all required court appearances and be prepared to testify. Each member shall be familiar with the laws of evidence and shall testify truthfully on any matter.
2. Recommending Attorneys or Bondsmen. Employees shall not suggest, recommend, advise or counsel the retention of a specific attorney or bondsmen to any person (except relatives) coming to their attention as a result of police business.
3. Testifying for a Defendant. Any employee subpoenaed or requested to testify for a criminal defendant or against the City of Brenham or against the interests of the department in any hearing or trial shall immediately notify the Chief of Police through the chain of command.
4. Interviews with Attorneys. Interviews between an officer and a complainant's attorney about a case arising from the officer's employment by the department shall be done in the presence of or with the knowledge and consent of the officer's commanding officer, department legal counsel or prosecutor.
5. Assisting and Testifying in Civil Cases. Officers shall not serve civil-process papers nor render assistance in civil cases except as required by law. No employee shall volunteer to testify in civil actions.

6. Notice of Lawsuits against Officers. Employees who have had a suit filed against them because of an act performed in the line of duty shall immediately notify the Chief of Police in writing and furnish a copy of the complaint as well as a full and accurate account of the circumstances in question.
7. Notice of Arrest or Citation. Employees who have become the subject of a citation (other than traffic citations) or arrest action in any other jurisdiction shall immediately notify the Chief of Police.
8. Arrest of Officer from another Agency. An officer who arrests a sworn officer of 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. If the person cited or arrested is a law enforcement officer, this shall make no difference.
9. Arrest of Brenham Officer. If an officer has probable cause to arrest a sworn officer 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. Some occasions may demand an immediate custodial arrest.

L. Expectation of Privacy

1. Employees shall have no expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered—to meet operational needs, internal investigatory requirements, or for other reasons—at the direction of the agency chief executive or his or her designee.
2. 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.

	BRENHAM POLICE DEPARTMENT	
	Policy 2.2 Bias Based Policing	
	Effective Date: 7/15/2011	Revised: 12/02/2015
	Approved: Ron Parker Chief of Police	
	Reference: TBP 2.01.1	Reviewed: 07/14/2020

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, national origin, ethnicity, age, or religion. All people carry biases: in law enforcement, however, the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our department. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities very diverse in population: respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly motor vehicle contacts (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, must be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not engage in biased based policing.

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

II. PURPOSE

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

III. DEFINITIONS

Most of the following terms appear in this order. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders.

These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

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

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, national origin, citizenship, religion, ethnicity, age, gender, color, creed, sexual orientation, disability, economic status cultural group or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01.1)
2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As motor vehicle contacts 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 motor vehicle stop may be crucial to a person's perception of fairness or discrimination.
 - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
 - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
 - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaints process and shall give copies of "How to Make a Complaint" when appropriate.

5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel shall thank him or her for cooperating.
6. When feasible, all 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.
7. All personnel are accountable for their actions. Personnel shall justify their actions when required.

B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences. 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 (TBP: 2.01.1)


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

V. COMPLAINTS

- A. The department shall publish “How to Make a Complaint” folders and make them available at all city facilities and other public locations throughout the city. 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 such investigation is completed.

VI. RECORD KEEPING

- A. The department will maintain all required records on motor vehicle contacts where a citation is issued or where an arrest is made subsequent to a motor vehicle contact pursuant to state law.
- B. The information collected above will be reported to the city council annually.
- C. The information will also be reported to TCOLE in the required format.

	BREHAM POLICE DEPARTMENT	
	Policy 2.3 Sexual or Other Illegal Harassment	
	Effective Date: 7/15/2011	Revised: 04/02/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP 2.11.1	

I. POLICY

The department's policy is to provide a professional, businesslike work environment free from all forms of employee discrimination including incidents of sexual or other forms of illegal harassment. No employee shall be subjected to unsolicited or un-welcomed sexual overtures or conduct either verbal or physical. The harassing behavior, to be subject to this order, need not occur only during work hours on agency premises, but may occur before or after work at other locations. Sexual or other unlawful harassment is misconduct and the department shall apply appropriate disciplinary sanctions.

II. PURPOSE

To define and give examples of sexual harassment, outline prohibited behavior, and describe reporting procedures. (TBP: 2.11.1)

III. DEFINITIONS

A. Sexual harassment

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

B. Quid pro quo harassment

This form of harassment occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit. (Quid pro quo means "something for something.") This form of harassment usually occurs between a supervisor and a subordinate where the harasser has power to control the employee's work benefits or

conditions. Note that this form of harassment is not limited to express demands for sexual favors, but may be implied by circumstances (e.g., offering an employee sexually explicit magazines).

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

C. Hostile work environment harassment

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

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

IV. PROHIBITED CONDUCT

- A. Employees shall not commit or participate in any form of sexual or other illegal harassment.
- B. The department considers romantic relationships between supervisors and subordinates potentially non-consensual. Personal relationships between supervisors and subordinates should be brought to the attention of the Chief of Police at the earliest point and determine a proper course of action. Failure to do so may result in discipline.
- C. Supervisors shall ensure that pornographic or suggestive photographs, illustrations, or cartoons shall not be posted or kept in any area of the department including locker rooms, desks, offices or other locations. Materials of this kind used for investigative purposes shall be properly secured according to evidentiary standards.
- D. Supervisors shall order employees on department premises who are making sexually hostile comments, or degrading remarks about other persons of the same or opposite sex to cease doing so or face discipline.

- E. Employees shall avoid inappropriate physical contact with one another unless required by a training situation or police procedure. Kissing, back rubbing, embracing, and other unnecessary touching are prohibited on department premises or while on duty.
- F. Personnel shall not retaliate against any person for reporting sexual harassment, giving testimony, or participating in the investigation. Retaliation in any form shall result in discipline.

V. PROCEDURES

A. Employee Responsibilities


1. An employee who believes he or she has been sexually harassed should first tell the offender to cease the inappropriate behavior, although circumstances may not always allow the complainant to make this request. If the conduct does not stop, or if the complainant is unable to confront the offender, the complainant shall 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 the offender is a higher ranking member of the department. 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 itself is considered no less valid and shall be investigated according to the procedures set forth in this order and in Policy 2.4.
3. Employees must understand that sexual harassment can become a criminal matter. Allegations of stalking, assault, and sexual assault shall be handled immediately as criminal investigations.
4. Each employee of this agency is responsible for assisting in the prevention of harassment and discrimination by:
 - a. refraining from participation in or encouragement of action that could be perceived as harassment and discrimination;
 - b. reporting observed acts of harassment and discrimination to a supervisor, and
 - c. to encourage any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.

5. Failure of any employee to carry out their responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

B. Supervisor Responsibilities:

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

- C. When an employee reports an allegation of sexual harassment, a confidential internal investigation shall begin immediately.
1. The Chief of Police shall immediately take action to limit the concerned employees from any further work contact with the alleged offender.
 2. The Chief of Police or his/her designee shall conduct an investigation pursuant to the provisions of Policy 2.4.
 3. If the sexual harassment allegation is not resolved to the satisfaction of the complainant, eligible employees may invoke the departmental grievance procedure.
- D. The Chief of Police shall report such allegations to the City Manager without delay.

	BREHAM POLICE DEPARTMENT	
	Policy 2.4 Internal Investigation Process	
	Effective Date: 7/15/2011	Revised: 07/23/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP 2.04.1, 2.05.1, 2.06.1, 2.07.1, 2.09.1, and 2.10.1.	

I. POLICY

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

II. PURPOSE

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

III. PROCEDURES – GENERAL (TBP: 2.04.1)

A. Receipt of complaints

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

B. Responsibilities of supervisors

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

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

C. How to make a complaint

A copy of "How to Make a Complaint" will be posted in the public area of the department, provided to media representatives, and may be given to any person requesting information on how to make a complaint.

D. Responsibility for handling complaints

All complaints alleging a violation of the law or policy will be investigated. Complaints regarding law-enforcement operations will usually be handled through the chain of command, beginning with the first-line supervisor. Complaints involving how law enforcement service is provided or a failure to provide service or improper attitudes or behavior may be investigated by an assigned supervisor or by the Chief of Police. Depending on the nature of the complaint, the Chief of Police may request another agency or DPS to undertake the investigation. (TBP: 2.06.1)

E. Complaint-handling procedures

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. A signed letter of complaint will be accepted as a signed complaint without requiring any specific form. 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.
2. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of any person's complaint. An employee of the department, who interferes with, discourages, or delays the making of complaints shall be subject to disciplinary action.

3. Normally, a person with a complaint shall be referred to a supervisor who shall assist the individual in recording pertinent information. If initially reported to a supervisor, the first-line supervisor shall conduct a preliminary investigation. The Chief of Police may, if deemed necessary, 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. recommendation(s) for further investigation or other disposition.
4. If the first-line supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, or appears to have a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor or investigator shall note these conditions. Any visible marks or injuries relative to the allegation shall be noted and photographed.
 5. Prisoners or arrestees also may make complaints. Circumstances may require a department representative meet the complainant at a jail or prison for an interview. If appropriate, the representative will have photographs taken of prisoners' injuries.
 6. An employee who receives a complaint through U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the Chief of Police, who shall determine investigative responsibility.
 7. Complaints received by telephone, dispatchers or other employees shall be courteously and promptly referred to a supervisor. The dispatcher or employee shall record the name and telephone number of the complainant and state that the supervisor will call them back as soon as practical.
 8. The above procedure may also be used when department employees desire to enter a complaint against any other employee governed by this order.
 9. In every case, the Chief of Police will be notified via the chain of command of any complaint as soon as possible by the supervisor receiving the complaint. Complaints received overnight will be brought to the Chief's attention the next workday. Complaints alleging a violation of the law or any serious violation should be reported immediately regardless of the time of day. (TBP: 2.07.1)

F. Disposition of complaints generally

The Chief of Police or his/her designee shall:

1. Notify the complainant as soon as practical, that the department acknowledges receipt of the complaint and that it is under investigation.

2. Minor complaints alleging rudeness, minor policy violations and performance issues may be assigned to a supervisor for investigation and resolution. Allegations of a violation of the law or serious policy violations will be investigated by the Chief of Police, an investigator assigned by the Chief of Police, or an outside agency as determined by the Chief.
3. 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 criminal charges being sought are serious complaints. The term "serious complaint," in this manual, is synonymous with "internal investigation." Internal investigations examine alleged brutality, gross excesses of legal authority, or allegations involving supervisory or multiple personnel.
2. If a criminal offense is alleged, two separate investigations shall be conducted, a criminal investigation as well as an administrative or Internal Investigation. The criminal investigation examines compliance with the criminal law while the Internal Investigation determines compliance with policy and procedure. The Chief of Police will assign these investigations as required.
3. In cases of serious complaints the Chief of Police shall:
 - a. Determine if the officer complained of should remain on-duty, be assigned to non-contact assignments, or put on administrative leave until completion of the investigations.
 - b. Determine and assign responsibility for the investigations.
 - c. Cause the complaint to be registered and assigned an investigation number in the complaint log.
 - d. Maintain close liaison with the District Attorney in investigating alleged criminal conduct. Where liability is at issue, the Chief shall similarly maintain contact with the city attorney or legal counsel.
4. All investigations will be completed within 60 days to include the taking of disciplinary action when necessary. If additional time is necessary to conclude the investigation, a request for extension will be presented to the Chief in writing providing justification for the extension. If approved by the Chief, a specific number of days will be approved and a copy will be provided to the involved officer and the original placed in the case file. (TBP: 2.05.1)
5. Upon completion of any investigation, The Chief of Police or his/her designee will notify the complainant in writing, of the results of the investigation and any action taken. (TBP: 2.10.1)

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. Employee's placed on administrative leave are considered on duty when contacted by an investigator and will make themselves available for interview.
3. During interviews conducted by the department, there will be one employee designated as the primary interviewer.
4. The complete interview shall be recorded. The recording will note the time at which breaks are taken in the interview process, who requested the break and the time at which the interview resumed.
5. The employee shall be provided with the name, rank and command of all persons present during the questioning.

D. Interviews for criminal investigative purposes

1. If the Chief of Police believes that criminal prosecutions are possible and wishes to use statements against the employee in a criminal proceeding, or at least wishes to maintain the option of their use, he/she or another interviewer shall:
 - a. Give the employee the rights as specified in Texas Code of Criminal Procedure Article 38.22.

- b. In addition to the rights set forth in state law, the Chief, or his/her designee shall advise the employee that if he asserts his right not to answer questions, no adverse administrative action will be taken based upon the refusal.
- c. If the employee decides to answer questions at this point, the responses may be used in both criminal and disciplinary proceeding.

E. 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 another interviewer shall advise the employee that:
 - a. You are advised that this is an internal administrative investigation only.
 - b. You will be asked and are required to answer all questions specifically related to the performance of your duties and your fitness for office.
 - c. All questions specifically related to employment must be fully and truthfully answered.
 - d. If you refuse to answer these questions, you can be subject to discipline that can be as much as discharge or removal from office.
 - e. I want to reassure you that any answers given are to be used solely for internal administrative purposes and may not be used in any subsequent criminal prosecution should such occur.
 - f. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension, or dismissal.
2. All Information listed above is synonymous with being provided with a cover page documenting a Garrity Warning.
3. In an interview for administrative purpose, no Miranda rights are required.

V. INVESTIGATIVE TOOLS AND RESOURCES

- A. In addition to interviews of the employee and witnesses, the Chief of Police may require other activities in support of a complaint investigation or internal investigation, including:
1. Medical and laboratory examination
 2. The Chief of Police or officer in authority may, based on reasonable suspicion or his/her observation, require a department employee to submit to a blood test for alcohol or drug use while on duty. The results may be used in a

disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.

3. If the employee has a reading of .02 or higher or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty by the Chief of Police or officer in authority.
4. If the employee is believed to be under the influence of self-administered drugs, he/she may be ordered to submit to a blood or urine test. The test shall be administered under medical supervision where hygienic safeguards are met.
5. If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the employee shall be relieved of duty as soon as possible by the Chief of Police or other officers in authority.
6. If an employee refuses to submit to a test, (alcohol or drugs) then the Chief of Police or other officer in authority shall immediately relieve the employee from duty. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee dismissal.
7. Property assigned to the employee that belongs to the department is subject to inspection where the department has a reasonable suspicion that evidence of work-related misconduct may be found therein. Department property includes files, storage lockers, computers, desks, and vehicles.

B. 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.

C. Polygraph

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

3. The results of the polygraph examination shall not be used as the sole basis for disciplinary action against any employee.
4. Any polygraph examination given under the provisions of this order shall be administered by a private contractor licensed to administer polygraph examinations in the State of Texas or must be a licensed examiner from another law-enforcement agency. No employee shall administer an examination to another employee.
5. Refusal to submit to a polygraph examination or to answer all questions pertaining to the charges in the polygraph examination, or deliberately impede the administration of the polygraph shall be grounds for disciplinary action and may result in dismissal from the department.

VI. ADJUDICATION OF COMPLAINTS


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

1. Unfounded - no truth to allegations.
2. Exonerated - allegations true, but are the result of adherence to departmental policy or procedure. Exonerated complaints will be reviewed by the Chief of Police for policy issues.
3. Not sustained - unable to verify the truth of the matters under investigation.
4. Sustained - allegations are true. Complaints will not be classified as sustained unless based on a finding of facts determined during the investigation. (TBP: 2.04.1)
5. Completed investigations classified as unfounded, exonerated, not sustained, or policy failure will be maintained in internal affairs files.

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

C. Disciplinary records (TBP: 2.09.1)

1. The department shall maintain a log of all Internal Affairs Investigations.
2. The complaints and internal investigative files shall be kept in a secure area and shall be maintained.
3. The Chief shall direct a periodic audit of complaints to ascertain a need for training or a revision of policy.
4. The Chief shall publish an annual or other periodic summary of complaints that shall be made available to the public.

	BREHAM POLICE DEPARTMENT	
	Policy 2.5 Employee Disciplinary Process	
	Effective Date: 07/24/2014	Revised: 07/23/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP 2.08	

I. POLICY

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

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

II. PURPOSE

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

III. DEFINITIONS

A. Days

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

B. Moral turpitude

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

C. Relief from duty

An administrative action by a superior where a by 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 discipline

1. Positive discipline seeks voluntary compliance with established policies, procedures, and orders. Methods of positive discipline include:
2. Recognition of excellent job performance through rewards or awards.
3. When people outside the department compliment an employee's performance, the person who receives the information shall make a record of the comments and pass them to the employee's supervisor. When the Chief receives compliments about an employee, he or she should write a thank you note to the individual. Copies of the person's statement and the Chief's response shall be sent to the officer involved, the supervisor, and a copy of all correspondence shall be placed in the employee's personnel file.
4. 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.

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 and/or Captain questions an employee's physical or psychological fitness for duty. An internal investigation may follow.
2. Any Captain 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 via the chain of command.
3. If the necessity to relieve from duty is not immediate, the behavior or actions of the employee shall be deemed a matter for internal investigation. In an internal investigation, only the Chief of Police may relieve an employee from duty. Only the Chief of Police, under consultation with the city manager and Human Resources Director, may suspend an officer without pay.

4. An officer who refuses to obey a direct order in conformance with the department's orders may be relieved from duty by the Captain, who may recommend suspension to the Chief of Police. The Chief, in consultation with the city manager and Human Resources Director, may then suspend without pay.

D. Penalties

The following options are available:

1. Documented oral reprimand; counseling; and training
2. Written reprimand.
3. Demotion or suspension without pay.
4. Dismissal from department.

E. Documented oral reprimand; counseling and/or training

1. Oral reprimands resulting from improper actions, while informal, require documentation with an employee's acknowledgment of such record. The following steps shall be observed: 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.
2. The employee shall be further advised that he or she, within a 72 hour period, has the right to file a statement in his or her personnel file setting forth his or her position, in case of disagreement.
3. The reprimanding supervisor shall record the reprimand/counseling in a memorandum to the personnel record containing the following information: Employee's name; Date of reprimand/counseling; Summary of reasons for reprimand/counseling; Summary of employee's response; Suggestions for improvement or specific actions suggested; Name of counselor and signature.
4. 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."

5. The employee shall sign and date the form following the statement.
6. 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 corrected behavior. All training shall be documented.

7. If the employee's actions did not result in a formal internal investigation and employee has not behaved improperly following counseling for two years, the record of counseling shall be expunged from the employee's personnel file. Accumulation of three oral reprimands in a twelve month period may result in a written reprimand or suspension, depending on circumstances.
8. Supervisors are expected to informally counsel employees regularly without waiting on instances of poor performance. Most counseling is informal, positive, supportive, and often undocumented.
9. Supervisors are responsible for counseling employees concerning job-related matters, within their capabilities. Many things can affect the job and an employee's performance, so job-related counseling may involve family and other individual, personal subjects. Counseling may include identification of unacceptable behaviors or actions, specifically what was done wrong and the desired or acceptable performance. Counseling can attempt to determine the reason(s) for the particular behavior, and recommend how to correct or improve performance or to solve the problem.

F. Written reprimand

1. A written reprimand, issued by the Chief of Police, or his/her designee after being notified, cautions an employee about poor behavior, sets forth the corrected or modified behavior mandated by the department, and specifies the penalty in case of recurrent poor behavior. A written reprimand becomes a permanent part of the employee's personnel record.
2. The employee shall be further advised that he or she, within a 72 hour period, has the right to file a statement in his or her personnel file setting forth his or her position, in case of disagreement.

G. Demotion or suspension without pay

1. If the situation warrants, the Chief of Police, in consultation with the city manager and Human Resource Director, may demote an employee, suspend without pay, or take other measures normally considered equivalent, such as the forfeiture of vacation or compensatory time.
2. Suspensions without pay will normally apply to a period of up to 15 days, as determined by the Chief of Police, City Manager and Human Resource Director.
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.
5. Should an employee be arrested or identified as a suspect in any felony, misdemeanor involving violence or moral turpitude, family violence or DWI, they shall immediately be placed on administrative leave with pay and an internal investigation shall commence. At the conclusion of the internal investigation the Chief of Police may take appropriate disciplinary action based on the results of the internal investigation, including indefinite suspension or termination.
6. Terminations may result from other criminal infractions.
7. If an employee is acquitted of criminal charges, the employee may yet be disciplined at the discretion of the Chief of Police or reinstated with full or partial back pay.
8. On any suspension, the officer must return to the department's custody his or her badge, identification card, issued firearm and vehicle.
9. During a suspension, the employee shall not undertake any official duties.
10. Demotion shall be to the next lowest rank. Demotion shall only apply to Captain, Lieutenant, Sergeant or Corporal.
11. An employee may appeal in keeping with the City of Brenham Employee appeals policy.

H. Termination

1. Terminations are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the misbehavior.
2. Employees may appeal a dismissal within five days of receipt of notice, and may appeal in accordance with the procedure outlined in the City of Brenham appeals policy. (TBP 2.08)

I. Reporting arrests

1. 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.


Discipline Matrix

Note: The Disciplinary Matrix is a guide only. Nothing herein shall be construed to limit the discretion of the Chief of Police to impose discipline. The Chief of Police can modify these guidelines as appropriate, or dependent on specific circumstances and details of an event, to address emerging issues and advance the goals of the disciplinary system described herein.

Allegation	1st Offense	2nd Offense	3rd Offense	4th Offense
Failure to Appear in Court, (within a 12-month period, rolling 12 months, not calendar year)	Written Reprimand	One-day suspension, without pay	Three-day suspension, without pay	Progressive discipline up to possible termination
Violation of Safety Practices/Preventable motor vehicle accidents, within 12-month period (non-injury or minor injury)	Counseling	Written Reprimand	One-day suspension, without pay	Progressive discipline up to possible termination
Violation of Safety Practices/Preventable motor vehicle accidents (major injury or death, or major property damage)	Dependent on severity and causative factors. Admin. leave with pay until invest. completed, then discipline may be rendered			
Lost/misplaced or damaged city property (other than weapon or radio or MDT/computer)	Counseling	Written Reprimand	One-day suspension, without pay	Two-day suspension, without pay
Lost weapon, radio, city cell phone, MDT/computer)	One-day suspension without pay	Three-day suspension, without pay	Five-day suspension, without pay	Termination
Failure to prepare report when required	Written Reprimand	One-day suspension, without pay	Three-day suspension, without pay	Five-day suspension, without pay to termination
Tardy from work	Counseling	Written Reprimand	One-day suspension, without pay	Two-day suspension to termination
Lost, damaged or misplaced citizens property	One-day suspension without pay	Two-day suspension, without pay	Five-day suspension, without pay	Fifteen-day suspension, without pay to termination

Lost, damaged or misplaced evidence	One-day suspension, without pay	Two-day suspension, without pay	Five-day suspension, without pay	Fifteen-day suspension, without pay to termination
Unprofessional conduct/Conduct Unbecoming an Officer	Written Reprimand	One-day suspension, without pay	Three-day suspension, without pay	Five-day suspension, without pay to termination
Abuse of official information technology systems	Dependent on specific facts of incident			
Inappropriate e-mail or computer messages (innocuous in nature)	Counseling	Written Reprimand	One-day suspension, without pay	Two-day suspension, without pay to termination
Inappropriate e-mail or computer messages (offensive in nature)	Written Reprimand	One-day suspension, without pay	Three-day suspension, without pay	Five-day suspension, without pay to termination
Inappropriate social media postings	Counseling	Written Reprimand	One-day suspension, without pay	Two-day suspension, without pay to termination
Failure to notify supervisor when required	Counseling	Written Reprimand	One-day suspension, without pay	Two-day suspension, without pay to termination
Violation of pursuit policy	Dependent on the facts			
Escape/improper control of prisoner	Dependent on the facts			
Insubordination or disrespect to supervisor, (dependent on circumstances, may result in written reprimand for first offense)	Three-day suspension, without pay	10-day suspension, without pay	15-day suspension, without pay to termination	
Refusal to obey direct order (dependent on details of incident and circumstances)	Dependent on the facts but could result in Termination			
Sexual harassment/discrimination	Dependent on the facts but could result in termination			
Failing to report sexual harassment/discrimination	Dependent on the facts but could result in termination			
Willful misrepresentation under oath or as part of internal investigation	Termination			

Improper use of force/tactics, (Dependent on specific details of incident)	Written Reprimand	One-day suspension, without pay	Three-day suspension, without pay	Progressive discipline up to Termination
Improper use of force/tactics resulting in serious injury or death	Termination			
Intentional brutality/excessive force/mistreatment of suspect or prisoner	Termination			
Fail to intervene in brutality/excessive use of force by another officer	Termination			
DWI	Termination			
Family Violence	Dependent on the facts			
Conviction of criminal offense involving a felony, drugs, theft, family violence	Termination			
Conviction of other misdemeanors	Suspension, without pay to termination			
Continuing inefficiency as an employee	Termination			
Accessing pornography on city equipment	Termination			
Failure to Properly Search/Inventory Suspect or Property	One-day suspension, without pay	Three-day suspension, without pay	Five-day suspension, without pay	Termination
Failure to Properly Search/Inventory Suspect or Property (results in injury or death to another person)	Termination			

	BREHAM POLICE DEPARTMENT	
	Policy 2.6 Accident and Injury Prevention	
	Effective Date: 7/15/2011	Revised: 5/16/2016
	Approved: Ron Parker Chief of Police	
	Reference: 4.10	Reviewed: 07/23/2020

I. POLICY (TBP 4.10)

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

II. PURPOSE

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

III. DEFINITIONS

- A. Motor Vehicle Crash: 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, animal, or person that results in property damage (regardless of amount) or personal injury.
- B. Personal Injury: For purposes of this policy, a personal injury is any injury to a member of this department resulting in immediate or subsequent treatment by a physician, lost work time, or requiring reporting under workers compensation rules.

IV. PROCEDURES: (TBP 4.10)

- A. Training
 - 1. The department will provide on-going training to all employees on accident and injury prevention.
 - 2. All sworn officers shall complete an Emergency Driving Course where their job assignment requires emergency response.

B. Administrative Review Accidents and Personal Injuries

1. Annually, an Administrative Review shall be conducted on all agency motor vehicle crashes and on-duty personal injuries of agency personnel.
2. Administrators shall review all aspects of these incidents and identifying causative and/or contributory factors, where possible. All findings will be presented along with recommendations to the Chief of Police. An annual review of all accidents and injuries will be conducted and presented to the Chief of Police with recommendations for reduction of injuries.

C. Reporting and Investigating Motor Vehicle Crashes and Injuries.


1. Unless incapacitated, officers are responsible for immediately notifying communications or their supervisor of any motor vehicle crashes and any personal injury sustained while on duty. Communications shall notify the on-duty patrol supervisor and watch commander.
 - a. Officers will remain at the scene until the investigation is complete unless that is unreasonable or they are in pursuit and:
 - i. There is no obvious reason to believe anyone has been injured.
 - ii. They believe the need to continue outweighs the need to remain at the scene according to BPD pursuit policy.
 - b. Make no statement about who is at fault to the other persons involved.
 - c. Not assist the investigator in any way that might prejudice the investigation; and
 - d. Refer any citizen complaint to the on scene supervisor.
2. Supervisors shall be responsible for ensuring that crash investigations are conducted by persons with appropriate traffic investigation training. Currently, all fleet crashes are investigated by the Texas Department of Public Safety. In the event that DPS is not available, the supervisor will conduct an investigation. The supervisor will complete any necessary worker's compensation forms needed for treatment or immediate reporting of an injury. BPD fleet crashes in other jurisdictions will be investigated by appropriate local or state agency having jurisdiction.
3. The involved officer will submit and interoffice memo within 24 hours detailing the crash via the chain of command.
4. The responding supervisor shall submit an interoffice memo within 24 hours of a crash occurrence. The supervisor's interoffice memo shall include the following information:

- a. Details of events involved in and contributory to the crash or injury.
- b. Submit photographs taken at the scene.
- c. Submit statements of witnesses.
- d. Provide name and insurance information on involved drivers and others involved in a crash, and the nature/seriousness of injuries and/or property damage.
- e. Include 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.
- f. Provide any recommendations that would help prevent similar crashes in the future.
- g. Forward all data collected to the Division Commander for administrative review.

D. Remedial Action

In addition to any other disciplinary measures taken by the department for a violation of policy, members of the department may be required to comply with the following:

1. Members of the department that have a preventable vehicle crash may be required to undergo additional training, take a defensive driving course, or other corrective measures.
2. If a member of the department has two or more preventable vehicle crashes within a 12 month period, they may be placed on non-driving status for a period of six months, in addition to any necessary training.
3. If a member 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.
4. More than four vehicle crashes in any 5 year period may result in termination for failure to perform basic job functions in a safe manner.
5. Members of the department that have repeated preventable injuries may be terminated due to inability to perform basic job functions in a safe manner.

	BRENHAM POLICE DEPARTMENT	
	Policy 2.7 Court Appearance	
	Effective Date: 7/15/2011	Revised: 4/18/2016
	Approved: Ron Parker Chief of Police	
	Reference: Reviewed: 07/24/2020	

I. POLICY

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

II. PURPOSE

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

III. PROCEDURES

A. Subpoenas

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

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


B. Preparation for Trial

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

C. Appearance in Court

1. Officers shall receive compensation for appearance in court during off-duty hours at the rate designated by this agency and in accordance with established means of calculation.
2. Compensation shall be paid only when officers comply with procedures established by this agency for court appearance, including but not limited to supervisory notification/approval and adherence to documentation procedures for overtime pay.

3. Officers who are late for or unable to appear on a court date shall notify the appropriate court authority as soon as possible, providing name, defendant's name, court designation, and reason for absence or tardiness. The reason for absence or tardiness shall be reviewed by the officer's commander and may be referred for disciplinary review.
4. Officers' physical appearance, personal conduct, and manner shall conform to the highest professional police standards. Patrol Officers appearing in court will be required to wear the dress uniform. Officers assigned to Criminal Investigations shall wear either the dress uniform or suit and tie.
5. When testifying, officers shall:
 - a. restrict remarks to that which is known or believed to be the truth;
 - b. speak naturally and calmly in a clearly audible tone of voice;
 - c. use plain, clearly understood language and avoid using police terminology, slang, or technical terms; and display a courteous attitude and maintain self-control and composure.

	BREHAM POLICE DEPARTMENT	
	Policy 2.8 Use of Social Media	
	Effective Date: 05/01/2015	Revised: 4/20/2016
	Approved: Ron Parker Chief of Police	
	Reference: 4.03	Reviewed: 07/24/2020

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.
- C. 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 department's Public Information Officer and personnel of the rank of Captain are responsible for the management, posting, and monitoring of the department's public social media network sites. Other members of the department may post and monitor specific social media sites as approved by the Chief of Police.
2. 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.
3. Each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
4. Where possible, the page(s) should link to the department's official website.
5. Social media pages shall clearly indicate that they are maintained by the department and shall have department contact information prominently displayed.
6. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
7. 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.
8. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.

9. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove any posting.
10. 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

Organizational personnel approved by the Chief of Police 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. 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.(TBP 4.03)
 - 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. 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.
2. Prior to operating any covert or investigative social media site, or posting to other social media sites for purposes of a covert or undercover investigation, the supervisor shall make contact with the prosecuting attorney and the city attorney to determine the admissibility and requirements of the law regarding preservation of information for both prosecution and open government 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. 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.
3. 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].
4. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
5. 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.
6. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
7. 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.
8. 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. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
 - c. 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.
 - d. 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.
 - e. 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.

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	BRENHAM POLICE DEPARTMENT	
	Policy 3.1 Basic Training Requirements	
	Effective Date: 7/15/2011	Revised: 07/28/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP 1.09.1, 3.05.1, 3.06.1, 3.08.1, 3.09.1, 3.18.1, and 8.11.1.	

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 Brenham Police Department is committed to providing the training necessary to meet and exceed State requirements and contribute to employee’s career goals.

II. PURPOSE

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

III. REQUIRED TRAINING

A. Basic Training

1. Sworn members of the Department are required to have a Peace Officer license issued by the Texas Commission on Law Enforcement. This license currently requires officers to attend a Basic Peace Officers course and pass a Commission Licensing Examination. Officers hired by the department must obtain their Peace Officer license within six months from their date of hire if not already licensed. Officers must possess their Peace Officer License prior to performing any law enforcement duty or function. (TBP: 1.09.1)
2. Previously licensed officers who apply for employment must have their license in good standing, all in-service training completed or the ability to complete in-service requirements prior to the end of the Commission training cycle which ends August 31, of odd numbered years.
3. In addition to training required for licensing, all sworn officers and non paid retired officers will complete the National Incident Management System training, appropriate for their rank, prior to completion of field training, or prior to completion of promotional probation in the event of promotion to a higher rank. (TBP: 8.11.1)

4. All sworn and non-sworn employees are required to take Security Awareness training within 6 months of being hired, and every 2 year thereafter.

B. Field Training

1. All sworn members of the Department are required to complete the department's Field Training Program as outlined in Policy 3.2 within the time period specified.
2. Officers with prior experience may qualify for an expedited Field Training Program if they are able to demonstrate proficiency in all required areas.

C. In-service training (TBP: 3.06.1)

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 must include:
 - a. A review of changes or revisions in the State Law.
 - b. Specialized training required at the direction of the Chief of Police or the Commission based on assignment.
 - c. Supervisory training.
 - d. Policies and procedures.
 - e. Hands-on arrest and defensive tactics training (minimum Training Level 3 & 4).
 - f. Firearms training and qualifications.
 - g. Training required by the legislature during each four year training cycle.
 - h. Those classes required by TCOLE for each officer's proficiency level (minimum Training Level 3 & 4).
 - i. Basic or refresher training in Self-Aid / Buddy Aid (minimum Training Level 3 & 4).
 - j. Training in bias neutralization-implicit bias (minimum Training Level 2).
 - k. Officer safety and de-escalation tactics-force avoidance (minimum Training Level 2).

l. Crisis Intervention Training - CIT (minimum Training Level 2).

m. Mental Health Training (minimum Training Level 2).

2. Sworn personnel are responsible for obtaining the training necessary to maintain their license and any special certifications they may hold. The department will provide officers with the training or provide the time and funding necessary to obtain the training. Much of the required training can be obtained on-line from the Commission website.

D. Supervisory Training (TBP: 3.09.1)

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

E. Civilian personnel (TBP: 3.08.1)

1. All newly-appointed civilian personnel will receive the following training from the Chief or his/her designee:

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

b. Working conditions, rules, and regulations.

c. Responsibilities and rights of employees.

2. Records personnel or personnel assigned to records processing will complete a course in State Open Records and Records Retention

3. Animal services personnel or personnel assigned to animal services will complete state required or job specific training will be provided that training either prior to, or within 6 months of job assignment.

4. Any other non-sworn personnel who have state required or job specific training will be provided that training either prior to, or within 6 months of job assignment.

IV. TRAINING EXPECTATIONS

A. Attendance

Personnel are expected to attend any assigned training programs. Attendance will be documented either by the instructor or in cases where the training is at location other than the department, documentation will be furnished by those responsible for the training. There are cases where attendance at a training program may be excused,

such as for court appearance or sickness. Any absence must be properly excused by the administrators of the program. Any time lost must be made up before any certificate of completion is issued. Certificates will be issued to those students who complete any training program. Employees shall provide a copy of any certificates to the department's Training Coordinator and Chief's Administrative Assistant for inclusion in the employee's training file.

B. Expenses

With the exception of paper, pencils or pens, tuition and overnight housing expenses incurred by department personnel as a result of approved required training will be paid for by the department. In the case of mileage where personnel are required to use their personal vehicles, the rate will be the current city mileage rate. However, it will be common practice for personnel to use a department owned vehicle to avoid incurring mileage cost. At any point in time the Chief of Police or his/her designee reserves the right to not authorize any per diem cost to be incurred by the department while personnel are attending training.

V. DEPARTMENTAL TRAINING

A. Performance-based training

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

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

B. Lesson plans

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

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

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

C. Instructors

1. Instructors for all department training programs shall:
 - a. Have a minimum of two years law-enforcement experience, or
 - b. Have completed a TCOLE instructor's course and be certified as an instructor, or
 - c. Possess a demonstrated skill in an area of instruction, or
 - d. Be knowledgeable of teaching theories, methods, and practices and have some knowledge of law-enforcement practices.
2. 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.
3. Normally, officers selected and trained as instructors in a particular subject will be expected to teach it when needed.


VI. REMEDIAL TRAINING

- A. Remedial training is directed at solving or curing a particular problem or improving performance in a particular area, within a designated time and with clearly defined, expected results.
- B. Remedial training may be assigned as a result of discipline or counseling.

VII. TRAINING RECORDS (TBP: 3.05.1)

A. Training records

- 1. The Chief of Police, or his/her designee, shall maintain, a training record for each employee which includes:
 - a. The date of training.
 - b. The type and hours of training received.
 - c. A copy of any certificate received.
- 2. The Chief, or designee, shall maintain files on all in-house training courses or presentations, including:
 - a. Course content (lesson plans).
 - b. Personnel attending.
 - c. Any performance measures as ascertained through tests or demonstrations.

	BRENHAM POLICE DEPARTMENT	
	Policy 3.2 Field Training	
	Effective Date: 7/15/2011	Revised: 04/05/2021
	Approved: Ron Parker Chief of Police	
	Reference: TBP 3.12.1, 3.13.1, 3.14.1, 3.15.1, and 3.16.1	

I. POLICY

It is the policy of the Brenham Police Department that all employees receive such training as mandated by the State and adequate additional instruction in all areas required for the proper performance of their specific job tasks.

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

This training takes place during a Field Training Program. Experienced Officers who have been trained as Field Training Officers are used to instruct new officers to ensure that our officers are trained and capable of performing their duties.

II. PURPOSE

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

III. PROCEDURES

A. Organization and Administration

The authority and responsibility for the initial training of a sworn officer shall be vested in the Field Training Program Director (appointed by the Operations Captain within the operations division) of the Brenham Police Department.

B. Field Training Program Requirements

1. Probationary Patrol Officers, after successful completion of the basic police academy are required to complete the Field Training Program prior to being released for full field duty. (TBP: 3.12.1c)
2. The eighteen (18) week training period for new officers shall be divided into four phases in which the Probationary Patrol Officer will be rotated to different patrol shifts, whenever possible. Each phase has a duration as follows:

- Orientation Two (2) weeks
- a. Phase I – With Field Training Officer Four (4) weeks
 - b. Phase II – With Field Training Officer Four (4) weeks
 - c. Phase III – With Field Training Officer Four (4) weeks
 - d. Phase IV – With Field Training Supervisor Four (4) weeks. Two weeks with one supervisor and two weeks with another.
 - e. Following the successful completion of the eighteen (18) week Field Training Program, qualified officers shall be monitored weekly for an additional twelve (12) weeks by their immediate supervisor. (TBP: 3.12.1b, e; 3.16.1)
 - f. A remedial phase may be necessary prior to completion of the program if recommended by an FTO or a supervisor.
 - g. Prior to the end of the probationary period, the Chief of Police shall review the performance evaluation. The Chief may approve their permanent appointment or discharge the employee for failure of probation.
3. Probationary Patrol Officers who have at least two years prior service as a sworn officer may complete a more abbreviated Field Training Program (at least four (4) weeks of Field Training and must include training in operational procedures and directives) as determined by the Field Training Program Coordinator. (TBP: 3.12.1d)
 4. During the Field Training Program, the Probationary Patrol 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 Brenham 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. PPO's will be evaluated daily by their Field Training Officer and the evaluation discussed with the PPO. The PPO and FTO will sign the evaluation and it will be forwarded to the Field Training Coordinator for filing. If the PPO disagrees with any comments or ratings, the PPO may note the disagreement on the form and request review by the Field Training Coordinator. (TBP: 3.15.1)
 5. The field training period may be extended when the performance of the PPO indicates additional training is needed, as indicated in the FTO evaluations.


6. The Field Training Coordinator will maintain communication with the FTO's for the purpose of assisting with training problems and for conducting end of phase evaluations at the termination of each of the four training phases. The Field Training Coordinator will maintain responsibility of the training files containing the FTO evaluations.

C. Field Training Officer Selection and Training

1. The Chief of Police will solicit recommendations from departmental supervisors. The Chief will review prior performance evaluations, activity levels, any complaints and commendations as well as advanced training. The Chief will interview potential candidates and make a determination based on the best interests of the department. Selection of Field Training Officers will be based on the best officers available for the assignment and those that represent the true mission and values of the department. (TBP: 3.12.1a)
2. FTO Training. All officers assigned as FTO's will whenever possible successfully complete an approved field training program that meets TCOLE standards prior to receiving assignment as an FTO. (TBP: 3.13.1)
3. FTO's' training effectiveness shall be evaluated by their immediate supervisor and Field Training Coordinator.
4. FTO's shall conduct their training and make required reports and recruit evaluations as outlined in the Field Training Officer's manual, utilizing the appropriate form or through a descriptive narrative if no form exist for the particular training given.
5. PPO's 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 or through a descriptive narrative if no form exist for the particular training given.

D. Periodic Program Review

1. Annually, the Field Training Coordinator will meet with all Field Training Officers to review the function of the FTO Program and determine if any changes are required. (TBP: 3.14.1)
2. A report of the findings of this meeting shall be forwarded to the Chief of Police for any action required.

	BRENHAM POLICE DEPARTMENT	
	Policy 4.1 Hiring and Selection	
	Effective Date: 7/15/2011	Revised: 07/31/2020
	Approved: Ron Parker Chief of Police	
	Reference: 2.23, 3.17, 4.01, 4.03, and 4.04.	

I. POLICY

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

II. PURPOSE

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

III. DEFINITIONS

- A. Disability: A physical or mental impairment that substantially limits one or more of the major life activities.
- B. Good moral character: The attributes of a prospective employee that enhance his 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.

IV. QUALIFICATIONS FOR EMPLOYMENT

- A. The minimum qualifications that all applicants for the position of police officer must meet include the following:
 1. Age of 21.
 2. High school graduation or GED completion.
 3. Writing assessment

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 an oral interview.
7. Pass a physical examination, psychological screening, and a drug test.
8. 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.

9. 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, or Class C misdemeanor in the past five years involving moral turpitude.
- 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.
- F. Dishonorable discharge from a Law Enforcement Agency (F-5).
- G. Indicators of serious, repeated employment instability.

VI. APPLICATION PROCESS FOR SWORN OFFICERS

- A. The applicant must do the following:
 - 1. Complete an online city application and a handwritten personal history statement, and submit them to the Chief of Police or his/her designee.
 - 2. Submit a copy of each of the following documents:
 - a. Birth certificate
 - b. Driver's license
 - c. Social Security card
 - d. High school diploma or transcript, or GED certificate
 - e. Credit report dated no more than 90 days prior
 - f. Any college transcripts
 - g. Copy of military discharge papers (DD-214), if any.
 - 3. Arrange with the Chief of Police to appear for other steps in the selection process.

VII. SELECTION PROCESS FOR SWORN OFFICERS (TBP: 4.01)

- A. The Chief of Police or designee will review the application and documents for basic qualifications. If basic qualifications appear to be met and an opening exists, the Chief assigns an officer to conduct a preliminary review of the candidate and schedules appropriate 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. The interview board consists of at least three departmental members. The candidate is graded on an applicant interview sheet, which is compared to their fellow applicants. The interview board will decide who shall move onto the background phase of the hiring process.
 7. The Chief of Police or designee will assign each candidate to an Officer for the completion of their background investigation.
 1. The background check shall specifically include contact with all former law enforcement employers (TBP: 3.17). Also, see A. 4 above.
 2. 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.
 8. Upon completion of the background investigation, the applicant's file will be returned to the Chief of Police.
- C. The Chief of Police along with at least one Captain will meet with the applicant who best meets the needs of the department and conduct a detail 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 whether the candidate passes the following:
1. A Medical and Drug screen (L-2)
 2. A Psychological Screen (L-3)
 3. Firearms Qualification
 4. Possible Polygraph Exam
 - a. If a polygraph exam is required of an applicant, the person whom administers the test and evaluates the results must be certified in the use and testing with the instrument. They shall further provide proof of their certification and be approved of by the Chief of Police or his/her designee prior to a polygraph exam being administered. (TBP 4.02)
- 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. He/she shall also schedule the applicant for any further testing. (TBP: 4.03)

- E. 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.
- F. If the individual is approved for hire, the Chief or his/her designee will make all 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.
- G. 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.
- H. Lateral entry.
 - 1. A licensed officer from another Texas agency must meet the same criteria set forth above.
 - 2. The employee assigned to investigate the applicant shall ensure that an applicant with prior law-enforcement experience has not had his or her licenses suspended or revoked. A query will be made to the Texas Commission on Law Enforcement to determine all other agencies where the licensee has worked. These agencies will be contacted before completion of the background to determine work history and any significant details of their employment.

VIII. APPLICATION PROCESS FOR NON-SWORN PERSONNEL

- A. The applicant must do the following for all positions within the police department:
 - 1. Complete an online city application and handwritten 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. Social Security card
 - d. High school diploma or transcript, or GED certificate

- e. Any college transcripts
 - f. Copy of military discharge papers (DD-214), if any.
3. Arrange with the Chief of Police to take any written assessment if required and to appear for other selection process steps.

IX. SELECTION PROCESS FOR NON-SWORN PERSONNEL (TBP: 4.01)

- A. The Chief of Police or designee will review the application and documents for basic qualifications. If basic qualifications appear to be met and an opening exists, the Chief assigns an officer to conduct a preliminary review of the candidate. 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 or designee 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 Chief of Police has the authority to convey an interview board of at least three departmental members in lieu of a solo interview. The offer of employment is conditional upon the candidate passing:
- 1. A background investigation
 - 2. Possible Writing Assessment
 - 3. A drug screen
- 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. (TBP: 4.03)


- 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. (TBP: 3.17)
- 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"). The Chief must base the threat on medical knowledge, not just speculation.
- 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.

X. PERSONNEL RECORDS

- A. For each employee, the department maintains a personnel file. This file contains the background investigation package, a copy of all forms completed during the hiring process, all evaluations, disciplinary action amounting to a written reprimand or higher, leave/attendance record, and assignments. The original of the officer's background investigation and all selection materials are sealed in an envelope in this file, which is confidential. All TCOLE required documents are maintained in this file. (TBP: 2.23, 4.04)
- B. The Chief of Police and/or his/her designee maintains and controls all personnel records. The department complies with the records retention schedule set by state law and city policy. (TBP: 4.04)
- C. Employees may review their records at any reasonable time upon request. The Chief may release a copy of a record from file upon obtaining a signed authorization from the employee.
- D. All personnel records are considered confidential. Supervisory or investigative personnel who have a need to review sensitive information may do so only with the express approval of the Chief of Police.
- E. If the Chief deems it necessary to include derogatory information in a personnel file, he/she shall notify the employee of the fact in writing. The employee may protest the inclusion of such information in writing to the Chief. Probationary employees have no right of protest in such matters.
- F. Personnel records are 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. (TBP: 4.04)
- 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. The Officer provides implied consent to this section, unless notice is provided to the Chief of Police in memorandum format via the chain of command. 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.

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.

	BRENHAM POLICE DEPARTMENT	
	Policy 4.2 Career Development, Promotions and Transfers	
	Effective Date: 02/28/2018	Revised: 07/31/2020
	Approved: Ron Parker Chief of Police	
	Reference: 4.06.1 and 4.07.1	

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

To establish guidelines for career development of employees to include training and promotions.

III. PROCEDURES

A. Responsibilities of the Chief of Police

1. The Chief shall ensure that at least one department employee:
 - a. Achieves and maintains certification as a firearms instructor.
 - b. Receives advanced instruction in evidence collection techniques.
2. The Chief shall ensure the availability of a trained armorer, either through training a department employee, contracting with an armorer in another jurisdiction, or contracting with a private armorer. The armorer shall inspect all firearms and ammunition at least annually for safety, reliability, and ability. The armorer shall also repair broken or malfunctioning weapons.
3. The Chief of Police shall ensure that any employee, upon receiving a promotion or a new assignment, attend training specific to that position within 12 months of assignment.

B. Promotions (TBP: 4.06.1)

1. When a vacancy exists for the position above the rank of corporal, the Chief shall post an advertisement of the position, the qualifications required, and a description of the selection process to be used for a minimum of two weeks

prior to any selection process. During that time, officers may request, in writing, consideration for the position.

C. Eligibility for Promotion

1. Employee must meet the following minimum requirements to be eligible for promotion to any increased level of responsibility or compensation.
2. In order to test for corporal, an employee must have 4 years certified police experience and a minimum on 1 year of service with the Brenham Police Department prior to the date of the written exam. Candidate must have achieved their Intermediate Police Officer Certification. The Candidate's Sergeant must submit a letter of recommendation for promotion to Corporal. Candidate must not have received a disciplinary suspension in the past 12 months.
3. In order to compete for Sergeant, a candidate must be a Corporal and have a minimum of 5 years police experience. Also, must have at least 12 months time in grade in the next lower position. Must have no disciplinary suspensions for the past 12 months.
4. In order to compete for any higher ranks, a candidate must be at the grade level below that which is being sought, and have a minimum of 6 years police experience. Also, must have at least 12 months time in grade in the next lower position. Must have no disciplinary suspensions for the past 12 months.
5. In the event that less than three officers express intent to compete for a promotional exam (this does not apply to those testing for Corporal), the Chief of Police may open the process to the next lower rank. Example. One Lieutenant intends to test for the next higher rank; the process could be opened for Sergeants to compete, or One Sergeant intends to test for the next higher rank; the process could be opened for Corporals to compete. Otherwise, only those in the next lower grade may compete for promotion to the next higher grade.
6. The Chief of Police may appoint someone to fill the position of Assistant Chief if circumstances dictate and if the position becomes available.
7. The Chief of Police may waive portions of the promotional requirements depending on circumstances.
8. The Chief of Police will not restrict applicants to those already in the functional area of the promotion being sought, but will make available to all eligible personnel within the department.

D. Process for Promotions


1. Corporal

- a. Meet eligibility;
 - b. Submit "Letter of Intent";
 - c. Submit "Letter of Recommendation" from Sergeant
 - d. The candidate will have their performance evaluations reviewed
 - e. Pass written examination;
 - f. The candidate must pass the written exam with a minimum score of 70%.
2. All other higher ranks – the process is designed to evaluate reasoning, writing skills, public speaking abilities, leadership and managerial qualities as appropriate for the position being sought.
 - a. Qualified applicants must submit a Letter of Intent and Resume;
 - b. Participate in a written exercise appropriate for the position;
 - c. Participate in Oral Board interviews;
 - d. Applicants will have their past performance evaluations reviewed; and
 - e. Rankings established based on each applicant's cumulative score.
 3. At the completion of the promotional process, an eligibility list will be determined by the evaluators. Evaluators are required to list in order from highest overall score to the lowest overall score. In the event of a tie score, the candidate with departmental seniority will advance.
 4. Review by Chief of Police
 - a. The Administrative Captain/Chief's designee will document and forward the eligibility list to the Chief of Police and the results will remain confidential. Once approved by the Chief of Police, the eligibility list will be made public.
 - b. The Chief shall promote candidates in order unless there is justification to pass over a candidate. The police chief may pass over any person on the list if there is a compelling reason to do so. (Poor evaluations, extensive discipline, etc.).
 - c. The eligibility list will be valid for one year from the date of the promotional process (TBP: 4.07.1).
 5. Promotional Probation
 - a. The Chief of Police will announce promotions along with the effective date. All promotions are conditional until such time as the employee satisfactorily completes a six-month probation period.

E. Transfers

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

2. Employees who request a transfer shall write a memorandum and forward the request through the chain of command to the Chief of Police.
3. Occasionally, some job assignments require minimum assignment periods so that the department may sufficiently benefit from investments in specialized training or education. Minimum periods of assignment shall be determined by the Chief and specified in a departmental order. The Chief reserves the right to establish minimum and maximum terms of service for selected duty assignments he or she deems to be in the best interest of the department.

	BRENHAM POLICE DEPARTMENT	
	Policy 4.3 Performance Assessments	
	Effective Date: 05/17/2017	Revised: 5/17/2017
	Approved: Ron Parker Chief of Police	
Reference: 4.08.1 and 4.09.1		Reviewed: 07/31/2020

I. POLICY

The department has an obligation to the public and its own personnel to hire and retain the best qualified officers. Further, the department's community-oriented, value-driven policing philosophy demands that officers exhibit competent investigative skills and are also successful in communicating with many different individuals in a variety of contexts. The employee assessment will evaluate both technical job competencies and department core values displayed within the employee's performance and their behavior. The department has adopted a process for subordinates to evaluate their immediate supervisors in order to enhance the skills of those in leadership positions.

The department regularly and formally assesses the performance of officers and other employees. The performance assessment system discussed herein serves both the interests of management and employees. The purposes of the performance assessment process is to (1) allow fair and impartial personnel decisions; (2) maintain and improve performance; (3) provide a basis and a medium for personnel counseling; (4) assist decisions about the tenure of probationary employees; and (5) identify training needs.

II. PURPOSE


The purpose of this order is to outline and describe the departmental performance assessment process.

III. PROCEDURES

A. General

1. All employees shall be evaluated using the Brenham Police Department Performance Evaluation process.
2. All employees will be trained in the evaluation process prior to conducting the assessment. (TBP: 4.08.1, 4.09.1)
3. Assessments reflect observations and perceptions by rating personnel.

4. Supervisors are required to meet with their subordinates at least quarterly to discuss job performance.
5. The employee being evaluated shall be assessed formally by supervisors who worked directly with him/her.
6. All performance assessments shall be reviewed with the employee.
7. After completion of probation, each officer shall receive a performance assessment biannually. All work performance behaviors associated directly with the employee's identified successes and/or deficiencies will be documented by his/her immediate supervisor. An employee's work performance will be rated as either Improvement Needed, Meets Expectations, or Exceeds Expectations.
8. With the exception of probationary employees, all formal performance assessments will cover a six month period. All performance assessments shall be reviewed and signed by the employee. The completed evaluation form will be forwarded through the Chain of Command for review and signatures. A signed copy of the employee's performance review will be maintained by the Human Resource Department.
9. Subordinates will evaluate their immediate supervisor (360 evaluation) bi-annually. These assessments will be provided directly to the supervisor's commander for consideration of his/her assessments of the supervisor.
10. An employee who receives a Needs Improvement 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 employee concerned must rebut the comments or rating in writing and submit them through the Chain of Command.

	BREHAM POLICE DEPARTMENT	
	Policy 4.4 Uniforms, Appearance and Equipment	
	Effective Date: 05/27/2015	Revised: 02/01/2022
	Approved: Ron Parker Chief of Police	
	Reference: 1.11.1, 1.12.1, 2.13.1, 7.17.1, and 7.23.1.	

I. POLICY

Proper uniforms and equipment are necessary to perform our law enforcement duties and present a professional image to the community we serve. It is imperative that we present a professional presence in our community to inspire that respect. All employees must strive to present a clean, well groomed image when wearing the departmental uniform or representing the department in any manner.

II. PURPOSE

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

III. UNIFORMS AND EQUIPMENT

- A. New employees shall be issued uniforms and equipment needed to perform their job function. Employees may carry or use additional items such as extra handcuffs, flex cuffs, flashlights, seat organizers, gloves and similar items that assist them in their job performance. These articles or wearing apparel should always be uniformed in type and appropriate to carry or wear on duty. The Chief of Police or his/her designee may ban any item that is deemed inappropriate. Employees will not carry or use any personally owned weapon without the written approval of the Chief of Police, a copy of which will be maintained in the employee's personnel file. In addition the employee must qualify with any personally owned weapon, prior to carrying that weapon. (TBP: 1.11.1)
- B. Each employee must sign an inventory sheet listing all uniforms and equipment issued to the employee. The inventory sheet will be maintained in the employee's personnel file.
- C. Employees are responsible for the uniforms and equipment issued. The employee's supervisor shall ensure all departmental uniforms and equipment are returned to the department upon resignation, termination or retirement.
- D. When an employee terminates, resigns, or retires from employment, all issued equipment shall be returned prior to the day the termination, resignation, or retirement

is effective. Failure to return all items of city property may result in taking legal action. (TBP: 1.12.1)

1. Departmental ID's and phob/s will be disabled upon employee separation from the department.
- E. Employees shall have computer access to a current copy of the rules and regulations and general orders manual.
- F. With the approval of the Chief of Police, employees are allowed to obtain a wallet badge, after completing their probationary period.

IV. UNIFORMS AND EQUIPMENT PROVIDED BY THE BRENHAM POLICE DEPARTMENT

A. Uniforms and equipment provided to Police Officers by the Brenham Police Department shall include:

1. Three (3) pair of trousers
2. Three (3) short-sleeved shirts
3. Two (2) long-sleeved shirts
4. One (1) tie
5. One (1) shirt badge
6. One (1) name plate
7. One (1) set BPD Collar Brass
8. One (1) raincoat
9. One (1) winter jacket
10. One (1) set of leather gear which includes belt, holster, handcuff case, magazine case, keepers and others as needed.
11. One (1) protective vest (body armor)
12. One (1) traffic vest
13. One (1) set handcuffs
14. One (1) Flashlight
15. One (1) Duty Handgun and Magazines
16. Taser and holster
17. Patrol rifle
18. Cell Phone
19. Hand held police radio
20. Departmental ID, building key and phob
21. Rank insignia as needed

B. Uniforms and equipment that are excessively worn or damaged are replaced by the department. Employees requiring replacement should have the item inspected by the employee's supervisor and written approval for replacement obtained.

C. Uniforms and equipment to be replaced will be ordered by the department designated Quartermaster. Items may be purchased from any vendor approved by the City of Brenham, but must comply with current uniform or equipment standards. A supply

request must be submitted and signed off by all necessary personnel prior to the purchase.

- D. Replacement of personally owned equipment, or jewelry (including watches) that is lost or damaged in the performance of duty shall be limited to a maximum of \$250.00 and is limited to those cases where the employee was not 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.
- E. Uniform items and equipment meeting departmental specifications and provided by individual officers shall include:
 - 1. Black or Navy Blue Undershirts
 - 2. Black or Navy Blue Socks
- F. Uniforms or civilian business attire (coat and tie for men or equivalent for women) shall be worn for all court appearances.

V. PROTECTIVE VESTS (TBP: 7.23.1)

- A. Body armor is purchased by the department for all sworn officers. Body armor (level II duty vests and level III rifle resistance vests, both NIJ compliant (DOJ) or its' successor agency) will be replaced in accordance with guidelines and protocols established by the National Institute of Justice. Body armor purchased and issued will be tailored to fit each specific officer.
- B. Uniformed Officers, while working patrol or extra jobs, will wear departmentally-issued protective vests. Officers not working field assignments will maintain their vests where they are readily accessible in the event they are needed. Any officer participating in any search warrant execution or other high risk activity will wear protective vests.
- C. The Chief of Police may grant exceptions to this requirement. The only exception to required wear for field assignments allowed is for documented medical reasons for specific individuals or by direct order or approval of the Chief of Police or designee, in situations where wearing of the armor would be detrimental to the health of the officers (such as extreme hot weather and extended exposure to the sun for extended periods.) These exceptional situations must be individually approved at the time and not a blanket policy. During such periods, officers must carry their protective vests in a manner where there are immediately accessible to the officer when working in the field.
- D. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions. Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover(s) to their immediate supervisor.

Body armor that is worn or damaged shall be replaced by the Department. Supervisors shall be responsible for ensuring body armor is worn as required.

- E. Body armor issued by the department shall not be stored in the trunk of cars, lock boxes, toolboxes of trucks, or other similar manner while off-duty that would expose them to prolonged and/or extreme changes in heat, cold or other condition that could deteriorate the integrity of the armor.
- F. The Training Division shall be responsible for:
 - 1. Monitoring Technological advances in the body armor industry that may necessitate a change in body armor
 - 2. Assessing weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats
 - 3. Provide training and emphasizes of body armor's safe and proper use

VI. REFLECTIVE VESTS

Agency personnel are issued and shall wear the high-visibility reflective vest as soon as practical when either directing traffic or working at the scene of an accident. (TBP: 7.17.1)

VII. DEPARTMENTAL APPEARANCE REQUIREMENTS (TBP: 2.13.1)

A. Uniform Employees

- 1. When wearing the uniform, employees will be in full uniform, including all items that are integral parts of the uniform. All uniform and accessories must be maintained in a clean and well pressed condition. No part of the uniform is to be worn with civilian clothing or vice-versa, except the police badge and necessary belt equipment.
- 2. Undershirts worn with an open collar short sleeve shirt shall be dark navy blue or black in color. Shirrtails will be worn tucked in at all times. Employees may wear a dark navy or black turtleneck or mock turtleneck with long sleeve shirts during cold weather.
- 3. Rank Insignia - The Chief will wear a two-gold star on each collar. Employees holding the rank of Captain will wear two ½" gold bars on both collars 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" gold bar on both collars 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 (3) approximately ¼" below the department issued shoulder patch with the single point up. Employees holding the rank of Corporal will wear

embroidered chevrons (2) approximately ¼” below the department issued shoulder patch with the single point up.

4. BPD Collar Brass – will be worn on all long and short sleeve uniformed shirts. The Cool –Max uniform shirt will be excluded. Officers holding the rank of Sergeant will wear gold and the rank of Corporal or Patrolman will wear silver.
5. Name Plates - Each employee, regardless of rank, will wear a departmental issued nameplate, centered above the right shirt pocket seam. The nameplate will have the officer’s last name. Officers holding the rank of Sergeant or higher will wear gold and the rank of Corporal or Patrolman will wear silver.
6. Department Shirt Badges - All sworn personnel, when in the Standard Duty Uniform, will wear their department badge, prominently displayed above the left shirt pocket.
7. Footwear - Footwear will be solid black and capable of being shined. Officers must wear solid navy blue or black socks if the socks are visible.
8. Officers are authorized to wear baseball style caps, only during inclement weather conditions while exposed to the elements of the weather. Winter headgear may consist of 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)

1. With the exception of officers working in a covert capacity, clothing worn by employees in any departmental non-uniform assignment will conform with accepted business practices which include, but not be limited to:
2. Slacks, 511 TAC pants or equivalent, Blue Jeans (Pressed), dress shirts (long or short sleeved), Pull over dress shirts, ties optional (excluding Bow ties), socks, shoes and appropriate head wear. Head wear must be appropriate to business dress attire and prior approved by Chief or his

designee. Business or sports coats are optional unless required for court or a specific event or task.

3. Socks should coordinate with the pants. White socks are prohibited unless worn with boots where the socks are hidden.
4. Footwear should be clean and polished, with heels and toes in good repair. Normal business shoes include slip-ons (loafers) or lace-ups are acceptable. Boots are acceptable, provided they are in good taste and are fashionable.
5. Female business attire will include the previously mentioned clothing and non-revealing blouses, skirts, dresses and appropriate footwear. Flip-flops are inappropriate.
6. Leggings, spandex, crop pants, sleeveless shirts/blouses/dresses, t-shirts or tank tops, sweat/jogging or wind suits, skirts and dresses shorter than mid-thigh are inappropriate.
7. If a sidearm is worn on the waist, the officers' department badge must be prominently displayed next to the sidearm or worn around the neck.
8. Plain clothes officers may wear a vest or jacket that readily identifies the wearer as a police officer during call-outs, specific assignments, or extra-duty assignments when appropriate.
9. Clothing worn while attending training, internal training or out of town, shall also comply with these guidelines. Exceptions (ie: t-shirts and ball caps) may be made for range and /tactical type training situations.
10. Plain-clothes sworn personnel are required to maintain at least one complete standard uniform at all times in case they are called upon for uniformed duties.

D. Special Assignments

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

E. Court Attire

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

F. Physical Appearance

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

a manner which would draw undue attention to the employee. Female employees' makeup shall be tastefully applied. Male employees shall not appear for work needing a shave or haircut.

2. Hair length

- a. Male employees shall wear their hair so as to present a groomed appearance. Hair will not extend past the collar at the back of the neck. Hair on the sides will not extend $\frac{1}{2}$ inch 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, hair shall be secured in a bun or single ponytail if extending past the collar.
 - i. Ponytails shall not extend no more than $\frac{1}{2}$ " from the hair line. The ponytail shall not extend more than 3" below the top of the required uniform shirt. It shall not be allowed to hang into the employee's face, either in front or on the sides. Ponytails shall be kept in a neat manner and hair should be pulled back, with less fly-aways as possible.
 - ii. Hair color shall be kept to "natural tones"
 - iii. Hair braids shall conform to the same policy direction as ponytails.
 - iv. Hair restraints may be worn, but they must compliment the hair color or be black, brown, silver, or gold and have no ornamentation.

3. Mustaches, Goatees, & Beards

- a. 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 be neatly trimmed at all times.
- b. Goatees will be neatly groomed while in uniform and be kept well maintained. Goatees will be a traditional goatee "Circle Beard" with a mustache connecting to a lower beard on the chin. They will not be allowed to grow any further than 1" below the chin, jaw line, and must be symmetrical. They should be no longer than $\frac{1}{2}$ " in length. The corners of the goatee shall be rounded or squared at the jaw, and at the chin. The neck line and cheeks must remain shaven while on duty.
- c. Beards will be neatly groomed while in uniform and be kept well maintained. They will not be allowed to grow any further than 1" below the chin, jaw line, and must be symmetrical. They should be no longer

than 1/2" in length. The corners of the beard shall be rounded or squared at the jaw. The neckline must remain shaven while on duty.

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. Female employees assigned to civilian attire may deviate from these regulations with the approval of their supervisor.
- d. To present a uniform and objectively neutral appearance to the public, non-departmental jewelry or pins shall not be worn on the uniform at any time or in plain clothes while on duty unless specifically authorized by the Chief of Police.

5. Personal Hygiene

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

6. Tattoos, Body Art and Piercing

- a. While representing the Department in an official capacity, no Department personnel shall exhibit any visible tattoos, body art or branding that is deemed or could be deemed as offensive.
 - i. The Chief of Police shall be the sole deciding authority as to whether any tattoo, body art or branding is deemed as offensive.
- b. With the exception of pierced ears, body piercing(s) are not authorized for wear by any agency personnel while representing the Department. Body piercing(s) must be covered by the official uniform or plainclothes apparel when agency personnel are representing the Department.

	BRENHAM POLICE DEPARTMENT	
	Policy 4.5 Police Vehicle Use	
	Effective Date: 04/23/2020	Reviewed: 04/23/2020
	Approved: Ron Parker Chief of Police	
	Reference:	Revised: 04/01/2021

I. POLICY

The Brenham Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

II. PURPOSE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation of the City of Brenham to provide assigned take-home vehicles. This policy may be amended or terminated at the discretion of the chief of police as to serve in the best interest of the City. This policy applies to marked and unmarked vehicles.

III. USE OF VEHICLES

A. Security and Unattended Vehicles

Unattended vehicles should always be locked and secured. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging, etc.). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle. Weapons and department equipment shall be properly secured and hidden from plain sight unless on duty and properly secured, such as in a locked rack for a shotgun/patrol rifle. Weapons shall be removed from the vehicle when not on duty.

B. Members of the Department who are assigned take-home vehicles may be authorized to drive their vehicles back and forth to their homes to and from work within a twenty (20) mile radius of the Brenham Police station. Exceptions to the authorized distance may be granted by the Chief of Police based on assignment, call-out status and nature of

special duties/skills of the member or special circumstances. Time spent during normal commuting is not compensable unless the member is dispatched to a call for service or the member takes police action or participates in enforcement during the commute. When employees are on extended vacation or leave for more than 72 hours, the city vehicle shall be stored at the police department unless otherwise authorized by a captain.

- C. Take home vehicles may be driven to and from a police extra job, but only within the corporate limits of the City of Brenham. Take home vehicles shall not be used for secondary employment outside the City of Brenham without specific authorization from the Chief of Police.
- D. Take home vehicles must be authorized and approved by signature from the Chief of Police. The appropriate form will be filed with the Administrative Captain's office or his/her designee.
- E. Vehicles will be assigned according to availability.
- F. Members who live outside the City of Brenham may drive their vehicle to and from work only, or for official business. Members residing inside the city limits of the City of Brenham are allowed to reasonably operate their vehicle inside the city while off duty unless otherwise noted.
- G. Unmarked vehicles assigned to personnel who are actively on-call, including the Chief of Police and the Captains, investigators on-call, etc., will be authorized to reasonably drive their vehicles within the 25-mile radius of the police station. This is to allow them to respond immediately to any call out.
- H. An officer, while off duty and operating a take home vehicle, should be appropriately attired to effectively perform a police function. Officers will be allowed to wear athletic attire if the officer is to engage in exercise or activity. Officers shall have appropriate clothing available. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department. Officers will also be armed with an approved firearm.
- I. Only police department personnel are allowed to operate the take home vehicle.
- J. Officers on suspension, light duty status, or under a doctor's care for an extended period shall surrender their take home vehicle until such time as they can return to regular and/or unrestricted duty status.
- K. Officers on sick leave shall not use the take home vehicle.

- L. No officer shall drive another's assigned vehicle unless approved by a supervisor.
- M. Officers shall not have any animals in the assigned vehicle at any time, with the exception of a police K9, or the transport of an animal related to a humane call.
- N. Failure to achieve and maintain acceptable performance, productivity and activity standards, or failure to comply with department and city rules regarding city vehicle use, may be grounds for suspension of assigned take home vehicle privileges.
- O. Take home car assignments may be adjusted without notice in order to benefit the Department and the City.
- P. Members of the Department shall not make any modifications or alterations to the city vehicle without prior authorization from the Chief of Police.
- Q. Members who have consumed alcohol are prohibited from operating a city vehicle unless if it required by the duty assignment (undercover work, etc.). Regardless of the assignment, members may not violate state law regarding vehicle operation while intoxicated. No personnel shall operate a city vehicle while under the influence of illegal narcotics, or prescribed medications that have warnings on them regarding operation of vehicles or machinery.
- R. Except when responding to an emergency or when urgent department-related business requires otherwise, members driving Department vehicles should obey all traffic laws and regulations.


IV. DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with an agency having jurisdiction.

If the member is unable to complete a damage or incident form, the supervisor shall complete the form. It shall then be forwarded through the proper chain of command as well as to the Human Resources Director immediately (see also on-duty injuries policy. Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

V. MAINTENANCE, CARE AND CLEANLINESS

Members are responsible for the cleanliness of their take home vehicle. Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage in accordance with the vehicle maintenance policy. It is the assigned member's responsibility to ensure that his/her assigned vehicle is delivered to the vehicle maintenance facility or other appropriate facility for scheduled preventative maintenance service or any other repairs. All weapons shall be removed from any vehicle left for maintenance. Supervisors should make periodic inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

	BREHAM POLICE DEPARTMENT	
	Policy 4.6 Off-Duty Employment	
	Effective Date: 2/28/2018	Revised: 07/31/2020
	Approved: Ron Parker Chief of Police	
	Reference: 4.05.1	

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

To define regulations governing off-duty employment and conduct while employed in an off-duty capacity.

III. DEFINITIONS

A. Off-duty Employment

Any work performed or services provided for compensation (a fee or otherwise), including self-employment. Volunteer charity work is excluded unless it involves law enforcement duties.

B. Law enforcement-related employment

Off-duty employment which may entail the use of law-enforcement powers granted by the State of Texas or the City of Brenham.

C. Probationary year

The period of time measured by one calendar year beginning with the date of hire for non-sworn and the date completing Field Training for sworn officers.

D. Secondary employment

Any non-law enforcement-related off-duty work for pay. Secondary employment does not require sworn enforcement powers as a condition of employment and the work does not provide implied law-enforcement service.

IV. PROCEDURES (TBP: 4.05.1)

A. General

All employees are eligible to work off-duty employment subject to the requirements of this policy. Employees may work off duty during a probationary year if approved by the Chief of Police or his/her designee. Employees on medical or sick leave, temporary disability, or light duty due to injury, administrative leave or suspension are ineligible for off-duty employment. Employees may not work off-duty work during their regular working hours unless they make up the time missed by working additional hours that same day or by using annual leave. An employee engaged in any off-duty employment may be called to duty in an emergency.

B. Secondary employment restrictions

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

C. Law enforcement-related off-duty employment restrictions:

1. Law enforcement-related employment shall not exceed 16 hours per day, including on-duty time: e.g., 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. Officers will not work any off-duty employment on the same calendar day they call in sick to on-duty employment.
2. Law enforcement-related employment is restricted to the city boundaries. Officers may perform law-enforcement duties beyond city boundaries if 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.
3. The minimum salary required for officers employed in an off-duty capacity related to law enforcement, such as traffic direction or security, will be \$40.00 an hour with a four hour minimum, for funeral escorts it will be \$50.00. Rates of \$40.00 to \$45.00 an hour are allowable when officers have extended exposure to the elements, (such as road jobs) or when large crowds and alcohol are expected.
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. Officers, while engaged in law enforcement-related employment, shall be subject to the orders of the on-duty law-enforcement supervisor.

7. No employee may work an off-duty job during the time they are being paid by the City.


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 Command Officer 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. The Command Officer making any such suspension shall promptly notify the Chief of Police.
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:
 - a. Retailers which 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 regulated or licensed through the department.
 - h. 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.
 - i. Performance of any activity which 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.
 - a. Employees shall understand that department liability protection does not extend to willful acts which cause injury or damage, or acts the officer knew or reasonably should have known conflicted with department policy or the law.
 - b. Off-duty arrests shall not be made when the officer's actions only further the interests of the private employer. 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 off duty request form. The Chief of Police, through the Chain of Command, must grant permission before the employee may work off duty.
2. Recurring, regular off-duty employment must be approved annually in January, by the Chief of Police.
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 follow 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.

	BRENHAM POLICE DEPARTMENT	
	Policy 4.8 Community Outreach and Customer Service	
	Effective Date: 5-3-2017	Reviewed: 04/06/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP 2.24	

I. POLICY

It is the policy of the Brenham Police Department to embrace the tenants of community policing and engage the community in a positive and trusting manner. Community involvement is essential to the successful operation of any police department. Without the assistance and acceptance of the community, a police agency's effectiveness will not reach its full potential. Whenever possible, all avenues should be utilized in promoting the respect and cooperation of the public we serve.

All employees will extend reasonable assistance to the public. Reasonable assistance means the level of assistance that call load and current demand levels would permit. Employees must not neglect community services in the belief that the police function is restricted to crime control. It is the goal of the Brenham Police Department to promote good relationships with the public and this goal can be facilitated by professional conduct and effective community outreach.

II. PURPOSE


The purpose of this policy is to guide personnel and to affirm the department's commitment to seek out opportunities to interact with the public and to build trusting relationships with the community. Feedback from the community and effective community outreach are expected from all employees.

III. COMMUNITY OUTREACH

- A. Supervisor's Role – Supervisors, by their words and actions, are to set the example for their subordinates in establishing and maintaining professionalism when interacting with the public and other employees.
 - 1. All supervisors shall ensure their employees maintain professionalism in their conduct, and support them in promoting the respect and cooperation of the community in our daily contacts.
 - 2. Supervisors are expected to keep their subordinates apprised of specific community problems and concerns.

3. Supervisors should strive to cultivate avenues of communications with individual residents and groups within the community where they are assigned. Whenever practical, supervisors should assign personnel to attend neighborhood meetings and civic functions.
 4. Supervisors are responsible to ensure that community feedback is sought by all personnel. (TBP 2.24)
 5. The Chief of Police (or designee) will coordinate the community surveys and approve the content of the questions.
 6. Regardless of workload, the Chief of Police and all command staff are also expected to attend community meetings and to seek out opportunities to meet with all segments of the community.
- B. The Employee's Role – No one can do more to foster positive police/community relations than the employee who is in contact with the public on a day-to-day basis. Employees must realize that their actions in every community contact have an impact on how the Brenham Police Department is perceived by those we serve. Whenever possible, employees are expected to cultivate the respect and cooperation of the public through these contacts.
1. Employees shall provide reasonable assistance to all residents in need of service.
 2. All personnel are expected to seek out opportunities to promote trust and positive dialog with the public.
- C. Community Outreach –The Brenham Police Department is committed to seeking out constructive community outreach programs that provide opportunities for members of the community and the police department to come together. Department employees are also expected to seek feedback from community members. If action plans or a new approach is needed to help solve a community concern, police personnel are expected to follow established internal protocols to recommend viable solutions.
- D.
1. Examples of Community Outreach Programs that are endorsed by this agency include, but are not limited to (TBP 2.24):
 - a. Community forums
 - b. Citizens Police Academy
 - c. Citizens On Patrol
 - d. Building tours at the main police headquarters
 - e. Social media outlets
 - f. Officers eating lunch at area schools with students
 - g. Community surveys
 - h. Mentorship programs with local at-risk youth
 - i. Regular attendance at civic and religious functions
 - j. Child Identification Kit – performed by C.O.P.s
 - k. Canine demonstrations

2. Community Feedback Mechanisms (TPB 2.24) – seeking community feedback is crucial to the success of police community relations. The Brenham Police Department is committed to actively seeking community feedback and whenever viable options for improvement can be found – to act on those findings.
3. Social Media is an effective tool for community outreach; however, the Brenham Police Department will not rely solely on this mechanism for community outreach (TPB 2.24). It is important for all employees to seek out effective outreach programs that impact all segments of our community.

	BRENHAM POLICE DEPARTMENT	
	Policy 4.9 Reserve Officer Program	
	Effective Date: 07/24/2014	Revised: 07/31/2020
	Approved:	Ron Parker Chief of Police
	Reference: TBP 3.07.1 and 7.27.1	

I. POLICY

It is the policy of the Brenham 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 and second, they provide an additional interactive link between the community and the Police Department. Reserve Officers are subject to all the applicable Rules & Regulations that govern regular sworn personnel. Reserve Officers are subject to all departmental and city policies and procedures. The Chief of Police has the sole authority to appoint or remove any Reserve Officer at any time as he/she see's fit for the betterment of the department.

II. PURPOSE

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

III. RESERVE PROGRAM (TBP: 7.27.1)

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 (TCOLE).
3. The selection process for Reserve Officer applicants are the same as regular officers outlined in Policy 4.1

B. Certification and Reserve Officer Levels

1. Apprentice Reserve Officer - applies to Active Reserve Police Officers who have obtained required Peace Officer training but has not completed field training.
2. Reserve Officer - applies to Active Reserve Officers who have successfully completed Basic Peace Officer Certification, completed field training, and hold a Basic Peace Office license.
 - a. Reserve Officers will be assigned their duties by the Chief of Police.
 - b. Reserve Officers shall report to the supervisor or ranking officer for assignment duties and/or training after being assigned by the Chief of Police.
 - c. The designated Supervisor may, at his/her discretion, reassign the officer when personnel are required to assist in other areas.

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 of Police or his/her designee considers it necessary to have additional officers.
2. Reserve Police Officers shall be considered in an "on duty" capacity when:
 - a. Performing "assigned duty",
 - b. Representing or identifying himself/herself as a Peace Officer for the purpose of taking enforcement action or discharging legal duties.
3. All 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 approval.
4. Experienced reserve officers may be exempt from the 8 hours per month requirement if approved by the Chief of Police and specified reserve officers serve in another approved capacity such as a training instructor.
5. 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.
6. All Reserve Police Officers are subject to the same rules, regulations, and orders as regular sworn personnel.


7. All Reserve Police Officers must have their Basic Peace Officers License.
8. All Reserve Officers will be required to attend periodic department In-Service training to complete:
 - a. The same training as required of regular sworn officers including courses mandated by TCOLE for certification requirements; and (TBP: 3.07.1)
 - i. Any and all other training cost in order to obtain a higher-level Peace Officers Certificate and training needed to full-fill necessary hours for a TCOLE training cycle shall be incurred by the Reserve Officer unless training cost is approved by Chief of Police on a case to case basis.
 - b. Departmentally required qualifications on firearms and any other equipment deemed necessary.
 - i. If Reserve Officers are unable to pass their initial firearms qualification, they will be allotted 50 rounds of ammunition from the department to practice. The Reserve Officer will have up to 10 business days after a failed qualification to contact a Firearms instructor with the Brenham Police Department to requalify. The Reserve Officer shall provide 2 days' notice to the Firearms Instructor on the date they wish to requalify within the 10-day period. Unless they elect to immediately requalify the same day. If the Reserve Officer is to fail the second qualification attempt or does not provide notice to requalify it shall be at the discretion of the Chief of Police to place the Reserve Officer on an in-active status to see if any further attempt to qualify will be allowed or to dismiss the Reserve Officer from the program.

D. Chain-of-Command and Operations

1. The Reserve Unit functions as a unit of the Patrol Division and reports to the Operations Captain.
 - a. Unless the Reserve Officer is assigned to a separate division by the Chief of Police.
2. The Chief of Police 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.
 - a. Unless the Reserve Officer is assigned to a separate division by the Chief of Police.
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 the individual.

	BREHAM POLICE DEPARTMENT	
	Policy 5.1 Departmental Records	
	Effective Date: 7/15/2011	Revised: 08/03/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP 5.01.1, 5.02.1 5.03.1 and 10.02.1 f	

I. POLICY

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

II. PURPOSE

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

III. RECORDS SECURITY (TBP: 5.01.1)

- A. The Police Records Unit is a restricted area. Personnel responsible for record keeping are directly supervised by a Divisional Captain or Chief of Police. All personnel responsible for record keeping will be provided training in Law Enforcement Records Management and the Public Information Act.
- B. Police Records Unit is restricted to assigned Records personnel only. Entry by unauthorized personnel is prohibited.
- C. The Records Unit will be secured and locked when unmanned by assigned Records personnel. The Patrol Support Specialist position is responsible for records management.
- D. Personnel authorized by the Chief of Police may have access to the Records Unit after hours for need to know information only. Authorization may be granted to Command Staff ONLY.
- E. When entry has been made by the authorized personnel, a written entry will be made into the entry log. Written notification must state the date entry was made, time entry was made, why entry was made, and what records were accessed.

IV. RECORDING OF INCIDENTS BY CATEGORY

A. In order to develop a comprehensive reporting system, it is necessary to record actions taken by law enforcement personnel whether in response to a request for service or self-initiated actions. Each reported incident occurring within the Department's service area will be categorized as one of the following and will receive a sequential incident or case number:

1. Individual's request for service, crime reports, or complaints which:
 - a. Requires an officer to be dispatched.
 - b. Requires an assigned employee to investigate.
 - c. Requires an assigned employee to take action at a later time.
2. Self-initiated criminal and non criminal cases by officers
3. Incidents involving arrests, citations (other than traffic), or summonses

B. Assignment of Case Numbers

1. As Dispatch personnel become aware of an incident occurring within the city service area that requires the initiation of police activity, they will assign an incident number generated by the CAD (Computer Aided Dispatch) system.
2. Case numbers will be assigned in numerical order. Other reports, such as an accident, impound, property and evidence recovery, etc., will be assigned the CAD incident number.
3. When an incident is assigned a CAD number, the following information regarding that incident will be entered into the CAD system by dispatch personnel:
 - a. Date and time of the initial reporting
 - b. Name and address of the complainant or victim requesting the service.
 - c. Nature of the incident and the location.
 - d. Officers assigned to the call.
 - e. Time dispatched, arrived, and returned to service.
 - f. Status, date, and time of action taken on the call.

C. Officer's Responsibilities

1. Officers will complete all required reports and turn them in to a supervisor prior to ending their shift.
2. Supervisors will review all reports for accuracy and completeness and submit completed reports at the end of shift.
3. Reports returned to officers for correction will be documented by the supervisor and the supervisor shall follow up on the following shift to ensure the report has been corrected and submitted.

D. Master Name Index

Zuercher 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, and suspects.

E. Juvenile Records (TBP: 10.02.1 f)

1. A file is maintained on each juvenile (age under 17) arrested, referred or detained by an officer. Each person is assigned a single "J" number. The file includes all documents associated with the contact as indicated in this section, as well as a running list of the juvenile's detentions and dispositions. State and federal laws require juvenile files to be kept separate from adult files.
2. Juvenile fingerprints and photographs, if taken, will be turned over to the Juvenile Probation Department intake officer. Police Records will not maintain fingerprints or photographs of juveniles. Should fingerprints or photographs be turned over to Police Records they will be destroyed as specified in the Family Code sections 58.001 and 58.002.

F. Computerized Criminal History Information

1. Computerized criminal history information (CCH) is a federal/state cooperative system of a variety of databases (arrests, convictions, driving records, outstanding warrants, and others). The computerized criminal history (CCH) data base lists all arrests and convictions for offenses above Class C misdemeanor that have not been purged due to the state/federal age purge criteria.
2. Access to the TCIC/NCIC criminal history data base is limited to designated personnel. The program generates its own log showing who accessed the system. The log is computerized and maintained by Information Systems personnel.
3. Access to CCH information through local law enforcement agencies is limited to criminal justice uses. Individuals who request a copy of their computerized criminal history must do so through the Texas Department of Public Safety in Austin. Numerous agencies have been given authority to access criminal history information on prospective licensees or applicants. The statutes giving this authorization do not permit use of local police agency TCIC/NCIC lines for obtaining the CCH. Requests of this nature are to be referred to a supervisor.

V. REPORT NUMBER AUDIT & REPORT STATUS

- A. The CID Support Specialist will conduct a daily audit to ensure all reports have been turned in to Records. As documents are received all reports will be placed in numerical order by service number.
- B. When a report has not been turned in within a reasonable time period, a supervisor will make notification through email. Follow ups for missing reports will be made routinely until all missing reports are accounted for.
- C. Missing report notices will be sent to officers and their supervisor when a report has not been received in 72 hours after the end of the shift on which it was taken.

VI. DISTRIBUTION OF REPORTS AND RECORDS

- A. The distribution of reports to the various specialized organizational components within the agency is peculiar to the particular type of report. After reviewing the reports for completeness, the patrol supervisor will forward all reports and citations to the Records Unit.
- B. Citations are entered into the computer system by the Patrol Support Specialist if manual entry is required.
- C. Field Interview cards are maintained in the Brazos Tech system and are available for viewing by all officers.
- D. The original of all records are to remain within the Records Unit. 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.

VII. RECORDS RETENTION AND DESTRUCTION (TBP: 5.02.1)

- A. Records will be retained in the Records Unit as specified in this policy and purged or destroyed only in accordance with the approved City Records Retention Policy and any Court Orders to expunge.
- B. Accident Reports: A copy of each accident report will be kept for two years in numerical order filed by month in the records office. Accidents involving Death, Driving While Intoxicated or a Felony will be maintained for an indefinite period of time and will be kept in numerical order. All other copies will be destroyed after two years. Persons wanting accident reports older than two years can order a copy directly from the Texas Department of Public Safety.

- C. Offense Reports: Because some offenses have no limitations period (can be prosecuted at any time) and because the limitations period for some offenses is based on the age of the victim at the time of the offense, offense report purging cannot simply be based on calculation of a number of years from the date of the offense. Offense reports are therefore retained for an indefinite period of time.
- D. All Other Information Reports: The original of each Miscellaneous Incident Report will be kept for an indefinite period of time and will be kept in numerical order as offense reports are kept.
- E. Adult Arrest Files: Adults may obtain a court order to have their arrest records expunged as specified in Chapter 55 of the Code of Criminal Procedure; otherwise, adult arrest files will be kept until a report of death of the arrestee or a period of seventy-five years.
- F. Juvenile Arrest Files: (TBP: 10.02.1 f)
 - 1. A Juvenile arrest file will be created for every juvenile taken into custody by members of this department. Juvenile files are maintained separately from adult files and are kept secure from unauthorized disclosure.
 - 2. Persons may have their juvenile records sealed (not destroyed) by court order as specified in Family Code section 58.003.
 - 3. A court may order destruction of juvenile detention files as specified in Family Code section 58.006.
 - 4. Arrest report files on juveniles who were referred to the Juvenile Court may be purged after the person reaches age 23.
 - 5. Arrest report files on juveniles who were not referred to the Juvenile Court may be purged after the person reaches age 18.
 - 6. Police Records will not maintain fingerprints or photographs of juveniles because the juvenile was detained by police or suspected of a criminal offense as specified in Chapter 58 of the Family Code. Fingerprints and photographs taken as part of the juvenile intake process will be turned over to the Juvenile Probation Department officials. Should fingerprints or photographs be turned over to Police Records they will be destroyed as specified in Family Code sections 58.001 and 58.002.
 - 7. Any juvenile records maintained in a Gang or Criminal Street Gang intelligence file will be maintained, managed and removed pursuant to Texas Code of Criminal Procedure Articles 61.04 and 61.07.

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


VIII. NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS)

- A. It is the responsibility of the Chief's Administrative Assistant to complete the monthly NIBRS and Department Crime Report in a timely manner.
- B. The Chief's Administrative Assistant must read and be familiar with the NIBRS Handbook including NIBRS reporting standards and must perform several audit checks for each crime reported.

IX. RELEASE OF RECORDS (TBP: 5.03.1)

- A. Release of information reported to law enforcement agencies is governed by the Texas Public Information Act.
- B. All open records request for the City of Brenham including the Brenham Police Department are processed by the City Secretary's Office. All requests for public information are treated uniformly and are processed according to the regulations set forth by the Texas Legislature and the Texas Attorney General's Office. All open records request will be forwarded to the City Secretary's Office.
- C. All Arrest reports which are maintained in the records files and computer will be the responsibility of the Records Unit personnel. Copies of files will only be released to persons authorized below.
 - 1. Personnel of this department
 - 2. Sworn officers from other agencies upon written request with approval
 - 3. Courts of law under proper process
 - 4. District Attorneys
 - 5. Federal Law Enforcement Agencies
 - 6. Probation departments
 - 7. Military Personnel with a written request and signed waiver of the named person. Copies of waivers will be kept for a period of three (3) years.
- D. Juvenile arrest information is closed to public information requests and will not be released without Court Order of signed waiver from the juvenile and a parent or guardian.
- E. Individuals may request a "Clearance Letter" for purposes of travel visas, adoptions, and other reasons. Records personnel will obtain at least two pieces (one photo) of identification, along with a written request and check the person's local record only.

The Records personnel will prepare a “To Whom it May Concern” letter indicating that no criminal record has been recorded in the City of Brenham. State or Federal Criminal History inquiries are made directly to those agencies by the individual.

	BREHAM POLICE DEPARTMENT	
	Policy 5.2 Media and Public Information	
	Effective Date: 7/15/2011	Revised: 08/14/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP 5.03.1 and 5.04.1	

I. POLICY

The members of the Brenham Police Department recognize the importance of an effective partnership with all community members. Also, we understand that a positive working relationship with the media is mutually beneficial. It shall be the policy of this agency to cooperate with the news media and to maintain an atmosphere of open communication. To this end, information shall be released to the news media in an impartial, accurate and timely fashion. It shall be the responsibility of each employee to abide by this philosophy of cooperation.

II. PURPOSE

To establish guidelines regarding media relations and the release of information to the public through the news media.

III. RESPONSIBILITIES IN RELEASING INFORMATION (TBP 5.04)

- A. The Chief of Police may designate any member of the department as the Public Information Officer (PIO) for this agency. The PIO is the primary contact for the news media. When the PIO is unavailable, the Chief of Police or his/her designee 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 Chief of Police.
- C. The Chief of Police or supervisors may direct other employees to respond to media inquiries.

IV. PROCEDURES

A. Media Inquiries

- 1. The agency shall respond to all media inquiries in a timely and professional manner. During normal business hours, media inquiries shall be directed to the designated Public Information Officer. No employee

shall release any information that would jeopardize an active investigation, prejudice an accused person's right to a fair trial, or violate the law.

B. Interviews

1. The Chief of Police or PIO shall be responsible for assisting the news media by conducting interviews or coordinating interviews with other qualified agency personnel. Employees contacted directly by the media shall notify the Chief of any interview requests. All conversations with members of the news media should be considered "on the record" and subject to being quoted.

C. News Releases

1. News releases shall be disseminated to the media and to agency employees on major incidents and events of community interest or concern.

D. News Conferences

1. News conferences shall be held only in connection with major events of concern to the community.

E. Access to Crime Scenes and Critical Incidents

1. Agency personnel shall be courteous to news media representatives at crime and critical incident scenes.
2. At such scenes, agency personnel shall ensure that the media respect the established perimeter. Members of the media shall receive no more or less access to an incident scene than members of the general public.
3. The Chief or PIO designee may grant closer access to news personnel and their equipment, to the degree that it does not interfere with law enforcement operations.
4. No member of this agency shall prohibit the media from news-gathering practices (including photography and interviews) outside the established perimeter.
5. News media representatives shall not be prevented from access to any area solely because of the possibility of their injury or death. If 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. At a critical incident, the Chief of Police or scene commander shall establish a media briefing area as close to the scene as safety and operational requirements allow.

7. At critical incident scenes, members of the agency shall work in close cooperation with the media to ensure that live broadcasts do not disclose any information that could endanger law enforcement personnel or the general public.

F. Access to Suspects

No member of this agency shall pose any suspect or accused person in custody or make him or her available for media interviews.

G. Joint Investigations or Operations Involving Another Agency

In a multijurisdictional investigation, the lead investigative agency is responsible for providing or coordinating the release of public information. The PIO or designee for the lead agency shall share that information with all involved agencies in advance of public dissemination.

V. INFORMATION RELEASE GUIDELINES (TBP 5.03)

- A. The release of information is subject to restrictions placed by applicable state and federal laws. No member of this agency shall release any information that would hamper the successful conclusion of an investigation or jeopardize the safety of affected persons.


B. Agency members can release the following information:

1. Basic information about a crime or incident
2. Basic information about victims, except as excluded by law
3. Description of suspects
4. Basic description of weapons and vehicles used
5. Basic description of stolen items
6. Basic description of injuries and condition of victims
7. The name, age, address, and other basic information about arrestees and the charges against them
8. Information contained in arrest affidavits and other applicable crime or incident reports
9. Booking photographs

C. Agency members **shall not release** the following information:

1. Names, addresses, and any other information that would identify the victim of a sex offense, child abuse, or any other crime where the privacy of the victim is protected by law
2. Names, addresses, and basic information about juvenile arrestees, as governed by state law

3. Active criminal investigative information, active criminal intelligence information, and surveillance techniques
4. Names of informants and information provided by them
5. Supplemental or investigative reports until such time as the case is closed or the lead investigator deems it permissible
6. Grand jury testimony and proceedings
7. Active internal affairs investigations, as governed by state law
8. Names of witnesses, unless required by state law
9. The identity of critically injured or deceased persons prior to notification of next-of-kin
10. Home address, telephone numbers, and familial information of law enforcement personnel
11. Names and/or photographs of undercover personnel
12. Any other information that could jeopardize the successful conclusion of an investigation and prosecution
13. Any other information prohibited by state law from public disclosure

	BRENHAM POLICE DEPARTMENT	
	Policy 5.3 Computer and Electronic Equipment Usage and Data Security	
	Effective Date: 3-2-2016	Revised: 08/10/2020
	Approved: Ron Parker Chief of Police	
	Reference:	

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 and 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 Camera: A single-purpose, handheld camera designed to take digital photographs.

IV. PROCEDURES: The sections below outline the procedures to be used and list the 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 public record laws, 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 personal electronic devices, 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, unless specifically authorized by this order or the Chief of Police.
2. Employees will not use department-owned equipment, electronic or otherwise, for personal benefit or to conduct personal business.
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. It should be noted that an officer can be questioned about his/her internet activities by defense counsels in criminal trials, which could potentially damage 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.
5. The department will assign appropriate security levels within the network to all access to certain files only as required.

B. Required Access

1. Employees are responsible for staying current on Department emails, and should reply to those which require response.
2. Employees who discover network terminals in need of repair will notify an administrative sergeant or their supervisor as soon as possible.

VI. MOBILE DIGITAL TERMINALS / COMPUTERS – MDT/MD

- A. The Mobile Data Terminal/Computer (MDT/MDC) 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 / touch screen 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 on the MVR system as soon as practical.
 - 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.
 - 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. Vehicle stops;

- b. Pursuits;
 - c. Person and vehicle searches;
 - d. Physical and/or verbal confrontations;
 - e. Use of force incidents
 - f. Statements made by victims and witnesses:
 - g. Advising an individual of their Miranda rights and when appropriate during interrogations
 - h. Priority responses
 - i. Prisoner transports that involve unruly prisoners and/or during investigations that could lead to a confession
 - j. Other legitimate law enforcement contacts with the public
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. With the exception of a DWI investigation, as it is not admissible in court.
11. Officers should download the MVR hard drive at the end of each shift.
12. Officers shall not erase, alter, modify, or tamper with MVR recordings.
13. 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.
 - e. the MVR hard disk has become full and turns off automatically.
 - f. Officers are required to put the case / incident number or ticket / written warning number into the MVR when the recording is ended.
14. Supervisor Responsibilities
- a. All recordings are maintained on the server.
 - b. The supervisor shall periodically check to ensure recordings are being downloaded.
 - c. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall notify authorized personnel so that repairs can be made in a timely manner.
 - d. Supervisors shall conduct periodic reviews of officer-assigned media in order to periodically assess officer performance.
 - e. Supervisors will assure proper functioning of MVR equipment and determine if MVR equipment is being operated properly.
 - f. Supervisors will identify recordings that may be appropriate for training.

- g. Supervisors shall conduct monthly 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.
- h. Supervisors shall ensure that adequate recording media is on hand and available for issuance

15. 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 on the servers.
- b. Once media is transferred to storage, it must be maintained in accordance with established 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, the department, and 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.
 - a. Personally Owned Cell Phones: The department allows employees to carry personally owned cell phones when their use does not negatively impact department operations.
 - b. Personally owned cell phones where employees receive a stipend are subject to the Public Information Act, subpoenas and possible records retention schedule.

IX. CELL PHONE CAMERAS

A. Departmental Cell Phones

1. Cell phone cameras, both still and video may be used to record department activities in addition to, or when, more suitable camera or recording devices are unavailable.

2. Activities may include victim, witness, or suspect information, crime scenes, field and eyewitness identifications, witness statements, etc.
3. All activities recorded on cell phone cameras will 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. Department business shall not be recorded on personal cell phones, video, or audio devices.
2. For the purpose of this policy, Personal cell phones for which the employee receives a stipend are considered a Departmental cell phone.

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. Some members of Patrol Staff are assigned field cameras to record images and data beneficial to an investigation and may use these cameras in conjunction with crime scene recording devices.
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.

A. 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 in B below.
 4. The DMR shall be placed in the Evidence Transfer Manager (ETM) for charging and downloading by the end of shift.
 5. The media captured via video recording system will only be downloaded to the Evidence Management System.
 6. Officers utilizing DMR are required to wear the equipment on their chest, shoulder or head; dependent upon the application and individual officer characteristics to give the camera proper position to the event being recorded.
 7. Officers are authorized to review evidence captured by the video recording system at any time for official purposes.
 8. Any request by a citizen to view DMR data shall be referred to a Captain, with the exception of open record requests which will be referred to the City Secretary's Office
 9. Evidence captured on the DMR recording system will be subject to rules of evidence of the jurisdiction and shall not be privately recorded, re-recorded, duplicated or released unless authorized by the chief of police.
- B. Usage. NOTE: The recording shall continue until the incident is complete, the officer has left the scene, the DMR has depleted its battery, or the internal hard drive is full. It is acceptable for officers to turn off the DMR to speak with a supervisor, but the DMR must be reactivated once the conversation is complete.
1. Officers shall wear a DMR when practical and available. Only the officer assigned to the DMR may use that particular unit. DMR units shall not be used by multiple officers.
 2. Officers shall activate their DMR when practical. Officers should exercise discretion when choosing to deploy their DMR keeping in mind that safety is paramount and the system should be activated only when it does not interfere with an officer's ability to defend themselves.
 3. Officers should record interactions that are based on the course and scope of the officer's duties. Officers should not surreptitiously record events unless the events are within the course and scope of duty
- 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 3 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 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 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. Officer are required to use a DMR charging cable in their vehicle to charge their DMR to maintain battery life.

E. Personally Owned Digital Media Recorders – DMRs

1. Personally Owned DMR's are prohibited.

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 done so in a timely manner.
3. Supervisors will remind officers of rules regarding DMR evidence on a regular basis.

	BREHAM POLICE DEPARTMENT	
	Policy 6.1 Use of Force	
	Revised Date: 11/11/2015	Revised: 03/19/2021
	Approved: Ron Parker Chief of Police	
Reference: 2.25, 3.01.1, 3.02.1, 3.04.1, 6.01.1, 6.02.1, 6.03.1, 6.06.1, 6.07.1, 6.08.1, 6.09.1, and 6.10.1.		

I. POLICY

It is the policy of this department that officers use only the force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer and others. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer could use under the same or similar circumstances. The officer's actions will be reviewed based upon the information known to the officer at the time the force was used. Information discovered after the fact will not be considered when assessing the reasonableness of the use of force.

II. PURPOSE

The purpose of this policy is to provide law enforcement officers of this agency with guidelines for the use of deadly and non-deadly force.

III. DEFINITIONS

A. Deadly force

Deadly Force: Any use of force that creates a substantial risk of causing death or serious bodily harm.

B. Non-deadly force

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

C. Objectively Reasonable

1. Objectively Reasonable: This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to themselves and the community.

2. In evaluating the reasonable application of force, officers may consider their own age, size, strength, and skill level with department weapons, state of health, and the number of officers opposing the number of suspects.

IV. PROCEDURES

A. Use of Non-deadly Force

1. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control. (TBP: 6.01.1)
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 a threat of death or serious bodily harm. (TBP: 6.02.1)
2. To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others. Where practicable prior to discharge of the firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot.

C. Deadly Force Restrictions

1. Warning shots shall not be fired. (TBP: 6.09.1)
2. Firearms shall not be discharged at a moving vehicle in an attempt to disable the vehicle.
3. Because of the low probability of penetrating a vehicle with a handgun, officers threatened by an oncoming vehicle should attempt to move out of its path, if possible, instead of discharging a firearm at it or any of its occupants. However, if an officer reasonably believes that a person is immediately threatening the officer or another person with deadly force by means of a vehicle, an officer may use deadly force against the driver of the vehicle.

4. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes that deadly force can be used without harm to the officer or others. In these circumstances, a supervisor shall be contacted prior to the use of deadly force if time permits.

V. LIMITATIONS ON FORCE

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

- A. Application of choke hold, carotid control holds, any restrictions of a person's airway or restrictions that may interfere with the ability to breath. Except when the officer reasonably believes such holds are the only means of protecting himself/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 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, all issued 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 biannually. (TBP 3.01.1, 3.02.1)
 1. Unless unforeseeable hardships are incurred by the department, and then The Chief of Police has the right to switch qualifications from biannually to annually to still meet TCOLE requirements.
- C. All officers shall receive training in the department's use of force at least annually. (TBP 3.02.1)
- D. All officers shall receive hands-on arrest and defensive tactics at least every two years. (TBP 3.06.1)
- E. Officers shall receive training in all non lethal weapons issued or used by the department and demonstrate proficiency with those weapons at least every two years. (TBP 3.04.01)
- F. All Use of Force training shall, at a minimum, comply with the standards established by TCOLE.

VII. REPORTING USE OF FORCE(TBP: 6.03.1, 6.06.1)

- A. Officers shall document any application of force except for those arising in training or departmental demonstrations. The pointing of firearms toward a person requires documentation on a Use of Force Form.

- 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 discharged any firearm, they shall first provide for appropriate medical aid for the subject (TBP: 6.07.1) and then:
1. Immediately notify the on-duty supervisor of any use of force or discharge of a weapon.
 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 via chain of command 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.
- C. Sworn and nonsworn employees regardless of rank or position within the agency shall intervene where they observe other Brenham Police Department employees allegedly using excessive or inappropriate force and prevent such excessive force from continuing. They shall also immediately report such excessive force by other employees to their supervisor in writing. This policy shall be reviewed annually. (TBP 2.25)

VIII. DEPARTMENTAL REVIEW

A. Review

1. The officer's supervisors and the Chief of Police shall review all reported uses of force to determine whether:
 - a. Departmental orders were violated.
 - b. Relevant departmental policy was clearly understandable and effective to cover the situation.
 - c. Departmental training was adequate.
 - d. Departmental equipment operated properly.
2. At least annually, the Chief of Police shall conduct an analysis of use-of force incidents to be made available to the public and to determine if additional training, equipment, or policy modifications may be necessary. (TBP: 6.10.1.)

B. Internal investigations


1. An internal investigation will be conducted on any firearms discharge (other than training or recreational use), and any other use of deadly force by members of the department. An internal investigation may be conducted on other uses of force incidents if a violation of law or department policy is

suspected. In addition to the internal investigation, a criminal investigation may also be conducted in any firearms discharge or other use of force incident where an officer or other person is injured or killed. In the event a violation of law is suspected, a criminal investigation shall be conducted by another law enforcement agency with concurrent jurisdiction and the results may be presented to the grand jury for review.

2. Procedures for Officer Involved Shooting Investigations are covered in Policy 6.4.

C. Assignment

Pending administrative review, any officer whose actions have resulted in the death or serious bodily injury of another person shall be removed from line-duty assignment. This action protects both the officer's and the community's interest until the situation is resolved. This re-assignment is not considered punitive in nature. (TBP: 6.08.1)

	BRENHAM POLICE DEPARTMENT	
	Policy 6.4 Officer Involved Shooting Investigations	
	Effective Date: 7/15/2011	Revised: 08/14/2020
	Approved: Ron Parker Chief of Police	
	Reference:	

I. POLICY

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

II. PURPOSE

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

III. DEFINITIONS

- A. Post-Traumatic Stress Disorder: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.
- B. Officer-Involved Shooting Incident: A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person.

IV. PROCEDURES

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

1. Officers involved at the scene of a shooting incident shall take those measures that are reasonably possible and appropriate to protect their safety and others, and to preserve evidence essential to the investigation. This includes the following actions, undertaken in the order deemed appropriate.
 - a. Ensure that the threats to officer safety and the safety of others are over.
 - b. Notify Communications of the shooting incident and request immediate assistance.

- c. Secure and separate any suspects.
 - d. Relay information on any fleeing suspects to communications and other field units and work with them to establish a containment area.
 - e. Request a supervisor and emergency medical services, if necessary, and any other assistance required immediately.
 - f. If injured, administer emergency first aid to oneself first. Then, administer basic first aid to suspects and others, as necessary, pending arrival of emergency medical assistance.
 - g. Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, remove shell casings or in any other manner tamper with involved firearms. Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects and suspect vehicles.
2. As time and capabilities permit before supervisory and other assistance arrives:
 - a. Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting and assist the injured. Protect evidence from loss, destruction or damage that is likely to occur before backup can arrive. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.
 - b. Call for assisting officers to record the names, addresses and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they say they saw the incident.

B. Handling of Officers at Scene of Shooting Incident

1. A supervisor shall be dispatched to the scene of the incident, and shall assume primary responsibility for protecting the scene and caring for involved personnel.
2. Ensure the safety and determine the condition of the officer(s), suspect(s) and third parties. Summon emergency medical service providers if not yet summoned for officers, suspects and third parties.
3. If the officer has been shot or otherwise injured in the shooting:
 - a. Ensure that an officer accompanies and remains with the officer at the hospital.
 - b. Ensure that the officer's family is notified on a priority basis and in person when possible. Ensure that they are assigned transportation

- to the hospital or other location where they are needed as soon as possible. Do not release the officer's name prior to the family's being notified.
- c. Assign an officer to the family for security, support, control of the press and visitors, establishment of communications and related matters.
 - d. Ensure that the clothing of officers and other injured persons is collected for potential evidentiary purposes and that related equipment of the officers is safeguarded.
4. The supervisor should contact Communications and advise them of the condition of the officers and suspects and the exact location of the incident and request they immediately contact:
 - a. The Chief of Police
 - b. Departmental Command Staff
 - c. Investigators
 - d. Public Information Officer, if requested by Command
 5. Establish a Command Post and appoint a recorder to make a chronological record of all activities including any personnel who entered the crime scene. The recorder shall prepare a supplement report detailing their activities and observations and the original chronological record will be placed in evidence after the scene is cleared.
 6. If the officer is not immediately transported to the hospital, the supervisor shall briefly meet with the involved officer(s).
 - a. Only minimal, preliminary questions should be asked about the incident. The officers should be advised that a more detailed debriefing will be conducted at a later time. The supervisor must however obtain sufficient information to protect the scene and begin an investigation. At a minimum the supervisor should determine:
 - i. If any other suspects are at large and any descriptions
 - ii. Approximate number and direction of shots fired (to protect crime scene and ensure no other persons are injured)
 7. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer should be taken to a quiet area away from the scene of the incident. If available, a peer counselor or other supportive friend or officer should remain with the officers, but should be advised not to discuss details of the incident.
 8. The officers should be advised that they may seek legal counsel.

9. Any standard investigations that will occur concerning the incident should be discussed with the involved officers. The investigations shall include a criminal and internal investigation.
10. The officers should be advised not to discuss the incident with anyone except a personal or agency attorney, departmental investigator, or departmental approved outside investigator such as a Texas Ranger, until the conclusion of the preliminary investigation.
11. The supervisor shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the supervisor shall:
 - a. Take custody of the officer's weapon in a discrete manner; and
 - b. Replace it with another weapon, or advise the officer that it will be returned or replaced at a later time, as appropriate.
12. Involved officers should notify their families about the incident as soon as possible. Where an officer is unable to do so, an agency official shall personally notify his family, and arrange for their transportation to the hospital if needed.
13. At all times, when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.
14. Once the scene is secure, if investigators have not yet arrived, the supervisor shall begin doing the following:
 - a. Locate and secure in place the officer's weapon and shell casings.
 - b. Locate and secure suspects weapon and shell casings.
 - c. Collect information about the suspect including name, address, age, and DOB.
 - d. Locate and secure any clothing that may have been removed from the suspect or officer by medical personnel.
 - e. Attempt to determine the original shooting positions of the suspect and officer(s).
15. Upon arrival of investigators, the supervisor will brief the appropriate personnel on the details of the incident. The supervisor shall prepare the original basic offense report concerning the incident and prepare a detailed supplement report of his or her activities after being notified. The supervisor shall also complete a departmental Use of Force Report on the incident.

C. Investigation

1. Two different investigations may be conducted after an officer involved shooting incident.
 - a. If the officer was shot at, injured, killed, or otherwise the victim of a criminal offense, a criminal investigation will be conducted to determine the identity of the suspect and for subsequent prosecution.
 - b. If an officer shot at a suspect, an administrative investigation shall be conducted to determine compliance with departmental policy.
 - c. If an officer shot at and hit a suspect, a criminal investigation shall be conducted to determine if the officer is criminally culpable for his or her actions.
2. These investigations, if both are required, may run simultaneously, with the criminal investigation taking precedence.
3. The Chief of Police may request another agency conduct either investigation if circumstances warrant.
4. Investigators will be well versed in the issues of Garrity v. NY to avoid improper contamination of the criminal investigation.
5. Upon arrival of investigators, they will first ensure the tasks itemized above have been completed. They shall then conduct their investigation to include:
 - a. Receive a general briefing and walk-through by the supervisory officer regarding the circumstances surrounding the shooting. The decision to conduct a walk through with the involved officer at this time must be made based on:
 - i. The type of investigation being conducted
 - ii. The physical and mental state of the officer
 - iii. The availability of the officer's attorney
 - iv. The circumstances at the scene
 - b. Ensure that the overall scene and evidentiary items are photographed and videotaped. Videotape all persons present at the scene. Color photographs of the officer as he/she appears at the scene shall be taken, to include any injuries sustained.
 - c. Ensure thorough inspection of the scene and proper collection of all items and substances of evidentiary value.
 - d. Obtain taped statements from the suspects. Ensure that notification is provided to next-of-kin of injured or deceased suspects.

- e. Locate and identify witnesses and conduct initial tape-recorded interviews.
 - f. Tape record interviews with fire department personnel, emergency medical service providers and other first responders at the scene.
 - g. Conduct separate tape recorded interviews with each officer involved.
 - h. Conduct the interview in a private location away from sight and hearing of agency members and others who do not have a need and a right to the information. Advise the officers not to discuss the incident with anyone except a personal or agency attorney, union representative or departmental investigator until the conclusion of the preliminary investigation.
 - i. Be cognizant of symptoms of post-traumatic stress, to include time and space distortions, confusion, hearing and visual distortion and emotional impairment, including shock. (Defer tape-recorded interviews if these symptoms are evident.) Take any weapon fired by the officer(s) into custody and handle it as evidence. Firearms shall be taken from officers in a discrete manner and the OIC shall ensure that arrangements are made to replace them with other firearms or advise the officers that they will be returned or replaced at a later time.
 - j. Contact the coroner and obtain autopsy of officer and/or suspect if required. Determine entrance and exit wounds, estimates of the shooter's position, the presence of alcohol or controlled substances or other related evidence.
6. The results of any criminal investigation conducted will be presented to the Grand Jury for independent review.


D. Post-Incident Procedures

- 1. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary investigations.
- 2. All officers directly involved in the shooting incident shall be required to contact an agency designated specialist for counseling and evaluation as soon as practical after the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. After the counseling sessions, the specialist shall advise the agency:
 - a. Whether it would be in the officers' best interest to be placed on administrative leave or light duty, and for how long;

- b. Where the officers were relieved of their duty weapons after an incident, at what point they should be returned;
 - c. What will be the best continued course of counseling. The agency strongly encourages the families of the involved officers to take advantage of available counseling services.
3. Any agency investigation of the incident shall be conducted as soon and as quickly as practical.
4. The agency should brief other agency members concerning the incident so that rumors are kept to a minimum.
5. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated agency spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
6. In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.
7. Officers directly involved in the shooting incident shall be required to re-qualify as soon as practical.

E. Daily Stress Recognition

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

	BRENHAM POLICE DEPARTMENT	
	Policy 7.1 Constitutional Safeguards	
	Effective Date: 7/15/2011	Revised: 09/21/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP: 7.04.1	

I. POLICY

The federal and state constitutions guarantee every person certain safeguards from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. The department expects officers to observe constitutional safeguards. The department further expects that officers understand the limits and prerogatives of their authority to act. Respect for the civil liberties of all persons shall be the paramount concern in all enforcement matters.

II. PURPOSE

The purpose of this general order is to define the legally mandated authority for the enforcement of laws, to establish procedures for ensuring compliance with constitutional requirements during criminal investigations, to set forth guidelines concerning the use of discretion by officers, and to define the authority, guidelines and circumstances when officers should exercise alternatives to arrests and pretrial confinement.

III. PROBABLE CAUSE AND REASONABLE SUSPICION

A. Probable Cause

1. Searches and arrests are based on the existence of probable cause. According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within their [the arresting officers'] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."

An officer must have probable cause to make an arrest or conduct a search.

2. When an officer has sufficient probable cause, he or she may arrest a person, conduct a search of the person, record the suspect's fingerprints, take the person's photograph, and detain him/her. The aim of an arrest on probable cause is to make a formal charge. While in some cases, formal charges may not be filed for any number of reasons, officers should only make a custodial arrest if a formal charge is anticipated.

B. Reasonable Suspicion

1. Reasonable suspicion involves a standard less than probable cause, generally defined by the courts as a circumstance or collection of circumstances that would lead a trained, experienced officer to believe that criminal activity may be afoot.

An officer must have reasonable suspicion to temporarily detain a person.

2. When an officer has reasonable suspicion, he or she may undertake a pat-down of a suspect's outer clothing for weapons and record the circumstances of the encounter. The aim of a detention based on reasonable suspicion is to resolve an ambiguous situation and determine if criminal activity is occurring.

IV. AUTHORITY AND DISCRETION

A. Law-enforcement authority

State law invests peace officers with authority to prevent and detect crime, apprehend criminals, safeguard life and property, preserve the peace, and enforce state and local laws and ordinances.

B. The use of discretion by officers

1. While officers have the authority to arrest an offender under many circumstances, officers seldom are able to arrest individuals for every offense they observe. Officers must prioritize their activities to provide the highest level of service to their community. As a result they must often use discretion in deciding the level of enforcement action based on the circumstances.
2. Departmental policy gives officers procedures to follow for common or critical enforcement tasks. Departmental policies and procedure are to be followed unless unusual or extreme circumstances dictate another course of action. In these cases, officers shall make reasoned decisions in their discretion based on good judgment, experience, and training. It is up to the individual officer to consider the relevant facts, the situation, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.
3. The vast majority of persons an officer will contact during their shift are typically law abiding people who have made a mistake or error in their behavior. In many of these cases there are underlying circumstances that contributed to those mistakes or decisions. Officers are encouraged to exercise understanding and compassion when deciding to take enforcement action, and consider how they, or a member of their family, would like to be treated in similar circumstances.
4. Officers should understand that their decisions regarding arrests and searches are in all cases subject to review by their supervisors.

5. Supervisors shall observe and review the activities of officers and counsel them as needed regarding the use of discretion.

C. Alternatives to arrest/pre-arraignment confinement

1. Officers are required to arrest suspects for all felony offenses and those major misdemeanor offenses where a victim was injured, property was stolen or damaged, or the public or an individual was placed at risk of great harm.

After an arrest has been made in these circumstances, if pre-arraignment detention is not advisable due to the suspect's health, age, infirmity, or family situation, the officer should contact a supervisor for disposition. A supervisor or the Chief of Police can authorize a field release if the individual is known or proper identification is present; or authorize booking and release on personal recognizance.


2. In misdemeanor criminal cases where there is no victim or property loss, where an individual or the public was not placed in danger of great harm, and in traffic offenses, officers may occasionally be faced with situations where formal action is not advisable. In such cases, officers may elect to exercise alternatives such as the issuance of citations, referral to a social service agency, or simply to give a warning.
3. In determining whether a citation should be used, the officer shall:
 - a. Decide whether the offense committed is serious.
 - b. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors.
 - c. Make a judgment as to whether the accused poses a danger to the public or 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. When in the judgment of the officer a better solution to the problem will be achieved by use of alternatives to enforcement, he or she should refer the person to an appropriate social services agency.
5. The use of warnings may sometimes provide a solution to a problem and may enhance the public perception of the department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer shall consider:
 - a. The seriousness of the offense.
 - b. Whether a victim was injured or had property damaged by the offender.

- c. Attempt to understand the contributing factors to the incident and evaluate whether a reasonable person would be influenced by those factors.
- d. The likelihood that the violator will heed the warning.

V. PROTECTION OF INDIVIDUAL RIGHTS (TBP 7.04)

- A. Officers will at all times act to preserve and protect the rights of all persons.
- B. Officers making arrests will ensure suspects are informed of the rights if they intend to question them about an offense. *Miranda* warnings are required and shall be administered prior to any “custodial interrogation.” Officers are expected to understand the requirements of Code of Criminal Procedure 38.22 before taking any statements from suspects.
 - 1. The following represent examples of situations that are not “custodial” and do not require *Miranda* warnings.
 - a. Investigatory stop and frisk.
 - b. Questioning during a routine traffic stop or for a minor violation; to include driving while intoxicated (DWI) stops until a custodial interrogation begins. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
 - c. During voluntary appearances at the police facility.
 - d. When information or statements are made spontaneously, voluntarily and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require *Miranda* warnings.)
 - 2. Administering *Miranda*.
 - a. *Miranda* warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation.
 - b. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as it precludes officers from testifying in court as to the precise wording used.
 - c. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be questioned only when they have knowingly and intelligently waived their rights. Threats, false promises or coercion to induce suspect statements is prohibited.
 - d. Waivers of the *Miranda* rights must be performed affirmatively. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate agency form.

- e. Officers arresting deaf suspects shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with this agency's policy and state and federal law.

	BRENHAM POLICE DEPARTMENT	
	Policy 7.2 Field Interviews, Detentions and Gangs	
	Revised Date: 7/15/2015	Revised Date: 04/09/2021
	Approved: Ron Parker Chief of Police	
Reference: TBP: 7.07.1		

I. POLICY

The agency expects and encourages officers to conduct field interviews. Field interviews are important contacts with individuals that aid in preventing and investigating crime. The agency expects officers to gather information with proper observance of constitutional safeguards. Strict constitutional guidelines exist that protect both the civil rights of all persons and the need of officers to obtain information crucial to the reduction and prevention of crime.

II. PURPOSE

To clearly establish the difference between a Field Interview, and an Investigative Detention or Stop. To assist officers to determine when field interviews and frisks for weapons are necessary and useful, and to establish procedures for conducting both safely. (TBP: 7.07.1)

III. DEFINITIONS

A. Field interview (consensual encounter)

A brief interview of a person to determine the person's identity and gather information or to resolve the officer's suspicions about possible criminal activity or determine if they have information about a criminal offense. Field interviews require voluntary cooperation of the subject. A field interview contrasts with a detention or stop which is based on reasonable suspicion of criminal behavior.

B. Frisk

A "pat-down" search of outer garments for weapons.

C. Reasonable suspicion

Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed. The reasonableness of an officer's action will be determined by reviewing the totality of circumstances known to the officer at the time he or she takes the action.

D. Detention (Stop)

An involuntary detention of a subject for a brief period of time for the purpose of investigating the actions of the individual. In order to make the stop, the officer must have reasonable suspicion to believe that criminal activity is afoot and that the person to be detained or stopped is involved. A stop is an investigative detention. The following characteristics may, under the circumstances, give rise to reasonable suspicion for a stop. This list is not all-inclusive nor is the presence of any one of these circumstances alone always sufficient for reasonable suspicion.

1. Officer has knowledge that the person has a criminal record.
2. A person fits the description of a wanted notice.
3. A person has exhibited furtive conduct such as fleeing from the presence of an officer or attempting to conceal an object from the officer's view.
4. The appearance, behavior, or actions of the suspect suggest that he is committing a crime.
5. The time of day or night is inappropriate for the suspect's presence in a particular area.
6. The officer observes a vehicle that is similar to that of a broadcast description for a known offense.
7. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.
8. The suspect is in a place proximate in time and location to an alleged crime.
9. The suspect is carrying an unusual object, or his clothing bulges in a manner consistent with concealing a weapon.

IV. FIELD INTERVIEW PROCEDURES

A. Making the field interview or stop: overview

1. An officer may conduct a field interview at any time if an individual is willing to speak with the officer. A field interview requires voluntary cooperation from the subject. In the absence of probable cause to arrest or reasonable suspicion to justify an actual investigative detention or stop, the individual may discontinue the interview at any time and leave. The person may also refuse to produce identification or otherwise identify himself. The individual does not have to answer any questions or provide any information.
2. An officer must be able to articulate the circumstances that warranted the interview of the subject. In court, should a field interview result in an arrest,

an officer must justify his intrusion by describing "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Articulable facts and circumstances derive from:

- a. Firsthand observations.
- b. Information from informants or members of the community.
- c. "Collective knowledge" or information shared by several officers.
- d. Reasonable inferences made by the officer from information known to the officer.

B. Place of the interview

1. As a general rule, field interviews may be conducted anywhere the officer has right to be, including:
 - a. 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 interviewed by the officer may discontinue the interview at any time. To repeat, during a routine field interview, persons shall not be detained in any manner against their will nor shall they be required to answer questions or respond in any manner if they choose not to do so. The fine line drawn between a field interview and a detention or stop must be

strictly observed. Since the distinction between an interview and a detention depends to a great extent on whether, under the circumstances, the subject perceives that he/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 prolonged by the subject.
 - c. During the interview, officers should confine their questions to those concerning the suspect's identity, place of residence, and other matters necessary to resolve the officer's suspicions.
 - d. Miranda warnings are not required during field interviews. The warnings are not required until custodial questioning takes place.
3. The success or failure in obtaining information beneficial to crime analysis and criminal investigation will depend upon an officer's ability to put individuals at ease and establish a rapport. However, during a field interview, if the person should ask whether he must respond, or indicate that he feels compelled to respond, the officer shall immediately inform him (or her) of the right to refuse, as well as the right to leave.
 - a. When a person refuses or ceases to cooperate during an interview, the refusal itself cannot be used as the basis for escalating the encounter into a detention.
 - b. Individuals cannot be compelled to answer any questions during field interviews.

V. INVESTIGATIVE DETENTION OR STOP (and Frisk when warranted)

- A. The legal authority to conduct an investigative detention or stop (and frisk when warranted) is based in Federal and State constitutions as interpreted by court decisions.
- B. Investigative detentions may involve two distinct acts. The first is the actual detention or stop which is based on reasonable suspicion. A second component may be a frisk of the detainee for weapons. The frisk must be justified by the officer's reasonable fear for his safety during the detention. The safety concern must arise from the conduct of the detained person, not from safety concerns in general. For example, a frisk could not be justified solely on the claim that "all drug dealers are dangerous." Not every detention will result in a frisk. Examples of safety factors justifying a frisk may include but are not limited to:
 1. The type of crime suspected, particularly those involving weapons.

2. When the officer must confront multiple suspects.
3. The time of day and location of the stop.
4. Prior knowledge of the suspect's propensity for violence.
5. Any indication that the suspect is armed.
6. Age and sex of the suspect (officers shall exercise caution with very young or very old people or persons of the opposite sex).

C. 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.
 - a. Retrieval of the weapon may give probable cause to arrest. If so, officers may then conduct a complete custodial search of the suspect incident to arrest.
4. If, during a lawful detention based on reasonable suspicion, the officer conducts a frisk and feels an object whose contour or mass makes its identity as contraband immediately apparent, pursuant to the plain touch doctrine, it may be withdrawn and examined.
5. If the suspect is carrying a bag, purse, suitcase, briefcase, sack, or other container that may conceal a weapon, officers shall not open it but may place it beyond the subject's reach for the duration of the stop.

D. Protective search

1. Under some conditions, the protective search or the search for weapons may be extended beyond the person detained. This search occurs most often involving vehicles. A lawful protective search for weapons, which extends to an area beyond the person in the absence of probable cause to arrest, must have all of the following elements present:
 - a. A lawful detention as defined herein or a lawful vehicle stop.
 - b. A reasonable belief that the suspect(s) poses a danger.
 - c. A frisk of the subject must occur first.

- d. The search must be limited to those areas in which a weapon may be placed or hidden.
- e. The search must be limited to an area which would ensure that there are no weapons within the subject's immediate grasp.

E. Period of detention

- 1. Investigative detention--as with field interviews--must be conducted as quickly as possible. Once the detaining officer determines that the basis for reasonable suspicion no longer exists, the person detained shall be immediately released. Should the suspicion be reinforced with additional information or the officer develops probable cause, the period of detention could be lengthened. The courts generally permit up to 20 minutes to constitute a reasonable period of time for the interview.

VI. DOCUMENTING THE INTERVIEW OR STOP

For purposes of successful prosecution and defending departmental actions to the public, all field interviews and investigative detentions must be recorded. The following methods will be utilized:


- A. Patrol officers will record all field interviews in their entirety on the in-car audio video systems, and body camera when it is safely practicable to activate it. 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 or detention. The report will be forwarded through the officer's supervisor to the records unit.

VII. Gang Intelligence

The gang intelligence officers are responsible for the collection, processing and dissemination of intelligence related to gangs, gang members and associates.

- A. The selection process for gang intelligence officer shall be administered by the Chief of Police or his/her designee.
- B. Gang intelligence officers shall comply with state and federal regulations that apply to criminal intelligence along with TX GANG Operating Policies and Procedures.
- C. Gang intelligence information shall be kept in a secure storage area that is only accessible by the designated gang intelligence officers. These physical and electronic files shall be kept separate from police records.
- D. Only designated gang intelligence officers may enter, update, or remove information from the TXGANG database.
- E. Information disseminated by the gang intelligence officers shall only be for law enforcement purposes and only distributed to other law enforcement personnel.
- F. All distributed information shall include warnings that the information is for law enforcement purposes and if applicable, that the information does not establish probable cause to stop.
- G. Gang intelligence officers shall review intelligence files in accordance with TXGANG policies to ensure out of date or incorrect information is purged from the files.
- H. All employees are responsible for sending gang related information/intelligence to the gang intelligence officers. Information/intelligence can be in the form of police reports, memos or emails.
- I. Gang intelligence officers shall review all information they receive to ensure that it is limited to criminal conduct or relates to activities that present a potential threat to the community. Information received shall also be reviewed to determine if it meets the criteria set by TXGANG for entry into their system, if it does not the information may be stored in secure department intelligence *file*.

- J. Gang intelligence officers shall validate all information they receive to ensure the accuracy of the information.
- K. Gang intelligence officers shall disseminate gang intelligence when it becomes available, to effected personnel within the department and to outside jurisdictions as needed.

	BRENHAM POLICE DEPARTMENT	
	Policy 7.3 Arrests With and Without a Warrant	
	Effective Date: 7/15/2011	Revised: 04/09/2021
	Approved: Ron Parker Chief of Police	
	Reference: TBP: 7.02.1, 7.03.1, and 7.04.1	

I. POLICY

Short of the application of force, an arrest is the most serious action an officer can undertake. An arrest can cause repercussions throughout a person's life, even if eventually found not guilty or never brought to trial. The most important legal question facing an officer at the moment of an arrest is the existence of probable cause: without probable cause, the arrest is illegal and the evidence of criminality that was obtained because of the arrest is inadmissible. Officers shall accordingly exercise critical judgment in making arrests. Critical judgment includes consideration for bystanders, the time, place, and location of offenses, and the use of force in making the arrests. Officers shall consider alternatives to arrest consistent with their law-enforcement mission.

II. PURPOSE

To define the authority of officers to arrest and the mechanism for making arrests, with and without a warrant.

III. DEFINITIONS

A. Arrest

An arrest is a seizure of a person. An arrest is supported by probable cause.

B. Probable cause

According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within [the arresting officers'] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed" and that the person to be arrested committed it. An officer must have probable cause to make an arrest.

IV. DISCRETION

A. Officers shall demonstrate discretionary judgment. Discretion shall be applied reasonably and shall be guided by the oath of office, the limits of authority as

established by law, the decisions and interpretations of the courts, the policies of our department, and the oral instruction provided by field supervisors.

- B. Officers shall not make arrests or take any enforcement action based in whole or in part by a person's sex, race, creed, color, age, general or assumed attitude, ethnic or natural origin, economic status, disabilities, or sexual orientation.

V. ARRESTS WITH A WARRANT (TBP: 7.02.1)

A. General Procedures for Arrest with a Warrant

1. Arrests with a warrant will be made pursuant to Chapter 15 of the Texas Code of Criminal Procedure.
2. Except as authorized by the Texas Code of Criminal Procedure, Chapter 14, or Section 18.16, an officer shall not arrest anyone without an arrest warrant.
3. An officer shall not alter any information on an arrest warrant in any manner after a magistrate has issued it.
4. An officer shall presume that any arrest warrant, which appears in proper form, is valid. To be in proper form and valid on its face, an arrest warrant shall:
 - a. Issue in the name of "The State of Texas",
 - b. Specify the name of the person whose arrest is ordered, or provide a reasonable description if the name is not known, State that the person is accused of a named offense, and
 - c. Be signed by a magistrate whose office must be named.
5. An officer shall execute a valid arrest warrant as provided by law and departmental policies. If the arrest warrant lacks proper form, the officer shall not execute the warrant, but shall return the warrant to the magistrate who issued it.
6. If an officer has any question about the details or validity of an arrest warrant, he shall attempt to verify the information before making an arrest under authority of that warrant. Whenever practical, an officer shall automatically verify the currency of any arrest warrant issued thirty days or more before the date of execution.
7. Any decision to send Regional or Statewide messages concerning a warrant will be made by a supervisor or the investigator assigned to the case. An officer need not have actual physical possession of an arrest warrant in order to execute it. 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 arrest.

8. In executing an arrest warrant, whether or not he has the warrant in his possession, an officer shall announce to the person being arrested that the arrest is made pursuant to an arrest warrant. If the officer has the warrant in his possession, he shall show it to the arrestee. If the officer does not possess the warrant, he shall advise the arrestee of the charge, bond and originating agency who issued the warrant.
9. Officers may enter a third party's residence:
 - a. with consent to search from the resident or person having control of the property, or
 - b. With a search warrant for that residence in order to enter and make the arrest, or
 - c. While in fresh pursuit of the wanted person.

B. Warrants from other Jurisdictions

1. If an officer has knowledge that another Texas law enforcement agency holds a valid arrest warrant for a particular person, the officer may arrest that person. If an officer makes an arrest on a warrant from another Texas law enforcement agency, the officer shall:
 - a. Arrest the defendant. Notify the agency holding the warrant that this department executed the warrant and give the location of the arrestee.
 - i. It is common practice the Washington County Jail makes this notification to the originating agency.
 - b. Make certain that a supervisor is notified if the defendant is booked into the Washington County Jail so that the defendant can appear before a magistrate within 24 hours of the arrest.
 - c. The Washington County Jail shall hold the arrestee as the magistrate prescribes, until releasing the arrestee to the custody of the department holding the warrant.
 - d. If the department holding the warrant cannot take custody of the arrestee within 10 days 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 custody.
 - e. An officer shall also execute an arrest warrant telegraphed under the authority of a Texas magistrate.

C. Warrants from Other States

1. Whenever any officer has probable cause to believe that a person stands charged of a felony in another state, the officer shall:
 - a. Arrest the person only after the warrant has been confirmed using accepted methods of warrant confirmation. This arrest is made under the authority granted to Peace Officers in the Texas Code of Criminal Procedure, Chapter 51, Fugitives from Justice.

- b. Book the arrested person directly into the custody of the County Sheriff's Department.
- c. The existence of a warrant from another state does not provide officers the authority to enter a third person's residence to make the arrest. Officers may only enter a third person's residence in the following circumstances:
 - i. With consent to search from the resident or person having control of the property, or
 - ii. With a search warrant for that residence in order to enter and make the arrest, or
 - iii. While in fresh pursuit of the wanted person.

D. Chance Encounters

1. Whenever an officer lawfully stops or otherwise detains and identifies a person, he may concurrently initiate a records check to determine whether any arrest warrant is outstanding against that person.
2. To conduct a records check, an officer may detain a person who he has lawfully stopped for a reasonable period of time. For a routine records check by radio, telephone, teletype, or computer terminal, the detention should not exceed a reasonable amount of time. However, detention may be extended, but no longer than necessary, if the officer has a reasonable suspicion that a warrant is outstanding.
3. The person may be required to wait in the officer's vehicle, in his own vehicle, or in some other convenient place.
4. The person may be frisked if the officer can articulate a reasonable fear for his or her safety.

E. Planned Executions of Arrest Warrants

1. 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. Minimize the danger or inconvenience to other persons who may be on the premises, unless other circumstances make this impractical.
 - e. Whenever possible, arrests shall be made in a location where the arrest will not pose a threat to the safety of the public (e.g., crowded places where bystanders may be injured should the arrestee offer resistance, particularly resistance involving the use of firearms).
3. An officer may serve the warrant at any place, public or private, where the individual named is reasonably believed to be located (subject to third party private location rule.)

4. Officers need not execute the warrant at the first possible opportunity to do so, but may choose the time and place in accordance with these rules. However, an officer shall not select the time and place of arrest solely to embarrass, oppress, or inconvenience the arrestee.
5. An officer shall not use force to enter private premises to execute a misdemeanor arrest warrant.
6. In general, when seeking to enter a private premise, an officer shall ring the doorbell or knock on the door, announce his/her intentions and purpose, and demand admittance. He/She may then wait, for a reasonable time under the circumstances, to be admitted.
7. Officers may only enter a third person's residence in the following circumstances:
 - a. With consent to search from the resident or person having control of the property, or
 - b. With a search warrant for that residence in order to enter and make the arrest, or
 - c. While in fresh pursuit of the wanted person.
8. If the execution of an arrest warrant may involve significant risk to officers, a statement of the circumstances of this risk should be included in the affidavit and the magistrate requested to include a "No Knock" authorization to the warrant. If a "No Knock" provision has not been authorized by the magistrate, and articulable circumstances occur at the time of execution of the warrant (such as efforts to destroy evidence, evade arrest, or endanger officers) an immediate entry may be made without the required notice and waiting period.
 - a. All listed warrants distinguished with a "No Knock" will need to reviewed and first approved by someone with the minimum rank of Captain, before an affidavit is submitted to a magistrate.
9. If an officer must make a forcible entry, the officer shall enter the premises by the least forceful means possible under the circumstances. Although entry may necessarily include breaking a door or window, an officer must strive to inflict as little damage as possible to the premises.
10. Whenever an officer must forcibly enter private premises to execute a felony arrest warrant, the officer in charge of the operation shall have enough officers present, and take other appropriate measures to protect the safety and security of all persons present. To identify the group as officers, when possible at least one fully uniformed officer should lead the entry into the premises.
11. After forcibly entering private premises to execute a felony arrest warrant, officers shall immediately secure the premises by locating, and controlling the movement of all persons who reasonably appear to present a threat to the safety of the officers. Officers shall also control any object that may be used as a weapon. An officer may frisk any person who the officer reasonably suspects may have a weapon concealed upon his person.
12. An officer shall leave the premises at least as secure as when he entered by leaving it in the hands of a responsible person or by locking all doors and windows.

F. Execution of Local Warrants by Other Jurisdictions

1. Whenever another law enforcement agency within Texas holds a prisoner on a warrant from this department, this department shall either pick up the prisoner within ten (10) days or notify the holding agency to release him.
2. Whenever 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.

VI. ARREST WITHOUT A WARRANT (TBP: 7.03.1)

A. Federal and state constitutions protect individuals from arbitrary and oppressive interference with privacy by law enforcement officials. Further, officers must have probable cause that a crime has been committed, and that the person to be arrested has committed the crime.

B. When warrantless arrests may be made

1. The Texas Code of Criminal Procedure, in Chapter 14, gives officers the authority to make warrantless arrests, supported by "*probable cause*", as follows:
 - a. Officers may arrest persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten, or are about to commit some offense against the laws.
 - b. If an officer has *probable cause* to believe that a person has committed an assault resulting in bodily injury to another and believes that there is danger of further bodily injury to that person, the officer may arrest the violator. If an officer has probable cause to believe that the person has committed an offense involving family violence, the officer may arrest the violator.
 - c. If a person prevents or interfered with an individual's ability to place an emergency telephone call related to family violence, an officer may arrest the violator.
 - d. Officers shall arrest a person in violation of a valid protective order when committed in the officer's presence. Officers may arrest an offender for any offense committed within the officer's presence or view, including traffic violations.
 - e. Officers may arrest at the direction of a Magistrate, when a felony or breach of the peace has been committed.
 - f. Where it is shown by satisfactory proof to a peace officer, upon the representation of a *credible* person, that a felony has been committed, and that the offender is about to escape, so that there is not time to procure a warrant, said officer may, without warrant, pursue and arrest the accused.
 - g. Officers may arrest a person who confesses to a felony crime.

2. Warrantless Arrests Outside Officer's Jurisdiction:

- a. Although officers are discouraged from making arrests outside their jurisdiction, officers may make warrantless arrests in compliance with state law. Officers who are outside their jurisdiction may arrest, without warrant, a person who commits an offense within the officer's presence or view, if the offense is a felony, breach of the peace, or violation of Chapter 42 or 49 of the Texas Penal Code.
- b. Any officer making a Warrantless arrest outside 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 request medical attention or, in the officer's judgment, medical attention is needed, officers shall contact Washington County Emergency Medical Services to evaluate the person. If Washington County EMS deems the person needs treatment they will transport the person/suspect to the hospital for an examination before booking.

B. Mirandizing Arrestees (TBP: 7.04.1)

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.
 - c. If the arrestee has not waived his or her Miranda rights, then even though the arrestee is not being directly questioned officers shall refrain from engaging in conversation among themselves in the presence of the arrestee that is calculated to elicit incriminating statements or admissions from the arrestee

VIII. RELEASE FROM ARREST

A. Officers may encounter a circumstance where probable cause develops to arrest a person for an offense, only to find out shortly thereafter that the person under arrest did not commit a crime, or that the event was not a crime. It is imperative, then, that the officer end the arrest process and release the person as soon as possible.

B. Procedure

1. If the arresting officer determines that probable cause no longer exists to arrest a suspect, and the officer is satisfied that the person under arrest either did not commit the crime or that the crime did not occur, then the officer shall release the suspect.
2. When an officer releases a subject from arrest, he or she shall return the person to the place of the arrest, if the location is safe. The officer shall not release the person along the roadside. If a vehicle has been towed, the vehicle shall be returned to the operator/registered owner unless it is required as evidence, or some other legal authority assumes custody of the vehicle.
3. Upon releasing a person in this manner, the officer shall immediately contact the on-duty supervisor and advise him or her of the incident.
4. The officer shall document in an incident report:
 - a. The date and time of arrest.
 - b. The person arrested (name, address, date of birth, race).
 - c. The location of arrest.
 - d. Probable cause for the arrest and the specific charge(s).
 - e. The location and time of release from arrest and whether the person was transported.
 - f. The reasons or discovery of information which led the officer to release from arrest.
 - g. Any witnesses to the alleged crime, or to the fact the person arrested was allegedly involved.
 - h. Whether force was used in making the arrest, and if so, the nature of any force used and the consequences (including medical aid).


IX. IMMUNITY FROM ARREST

A. Legislative immunity

1. Members of the United States Congress are exempt from arrest when Congress is in session, or when they are en route to or from congressional business, except for traffic summonses.
2. Members of the Texas Legislature are exempt from arrest during a legislative session (or allowing for one day for every 20 miles such member may reside from the place where the legislature meets before the beginning or after the ending of any session) except in cases of treason, a felony, or a breach of the peace.

B. Diplomatic immunity

1. While a person claiming diplomatic immunity may present any number of identification papers, the only one that is indicative of the level of privilege and immunity is a card issued by the U.S. State Department. The holder's level of immunity will be indicated on the card. If a person claiming immunity does not possess this card and the incident involves a criminal offense, officers may detain the person either at the scene or at the department long enough to verify official status.
2. Upon exhibiting proof of diplomatic immunity, persons shall be released upon being stopped for a misdemeanor traffic violation. If questions arise about this procedure, or if an arrest for a felony is necessary, call and advise the U.S. State Department Office of Security (202-647-4415, days, or 202-647-1512, nights and weekends).
3. When encountering a criminal suspect who claims diplomatic immunity, officers shall first take reasonable measures--including pat-downs or other legal searches--to ensure safety to the public or other officers. Verification of the diplomatic claim shall take place after a danger has been neutralized. A criminal investigation shall proceed as if no valid diplomatic immunity claim has been made. Interviews, interrogations, seizures of evidence, or issuance of warrants shall proceed per departmental procedure. In a criminal investigation, the Chief shall remain in contact with the State Department.
4. Regardless of the claim of immunity, in any case where officers arrest or detain foreign nationals, the suspects shall be advised of their right to have their consular officials notified. In some cases, this notification is mandatory. Note: the list of countries which require mandatory notification of consular officials in the event that one of their citizens has been arrested is extensive. The State Department shall be contacted for guidance. (TBP 10.22.1)

	BREHAM POLICE DEPARTMENT	
	Policy 7.4 Search Incident to Arrest and Other Searches Without a Warrant	
	Effective Date: 7/15/2011	Revised: 09/22/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP: 7.07.1, 10.14.1, and 10.15.1	

I. POLICY

In order to ensure that constitutional rights are protected, officers will obtain search warrants upon probable cause in all appropriate criminal cases except for the following circumstances. Search warrants are discussed under Policy 7.5.

Searches without a judicial warrant are strictly limited to those circumstances where the courts have granted officers limited exceptions. One of those exceptions was described in Policy 7.2, where, if during an investigative stop, an officer has reasonable suspicion that an individual may be armed with a weapon - the officer may conduct a limited pat-down of the individual's clothing to protect the officer. Other exceptions to the search warrant requirement are provided in this policy.

II. PURPOSE

To establish guidelines for searches incident to arrest and other searches without a warrant.

III. SEARCH INCIDENT TO ARREST (TBP 7.07)

- A. The general rule is that a reasonable search may follow a valid arrest. The officer has the authority to make a search which may extend to articles carried by the suspect and to the suspect's immediate surroundings. The purpose of this search is to remove any weapons from the arrested person which could be used against the officer while in custody, to remove any items that might facilitate an escape, and to prevent the destruction of any evidence by the arrested person.
- B. A search incident to an arrest must occur in such a way that it and the arrest are part of a continuous, uninterrupted transaction. Two conditions are necessary for this to occur:
 1. The search must be made as soon as practical after the arrest.
 2. The search must be made at or near the place of the arrest.

- C. An officer making a search incident to an arrest may search only the following permissible places:
 - 1. The entirety of the person being arrested.
 - 2. The area within the immediate control of the person being arrested into which the suspect might reach for a weapon or for evidence.
- D. Accessories carried by the suspect may be searched incident to a full custodial arrest for they are within the area in which the defendant might reach to grab a weapon or an item of evidence.
- E. Vehicles may be searched contemporaneous with the arrest of the occupant or driver only if:
 - 1. The arrested vehicle occupant is unsecured and within arm's reach of the passenger compartment at the time of the search, or
 - 2. The officer has a reasonable belief that *evidence related to the crime of the arrest* is located within the passenger compartment.
 - 3. Once an occupant has been secured and is unable to effectively reach the passenger compartment, the authority to search the vehicle for safety reasons is removed. Officers may conduct a search of a vehicle passenger compartment in such circumstances if other warrantless search exceptions apply or by obtaining a search warrant.
- F. Strip searches (TBP 10.14)
 - 1. Strip searches shall not be conducted of persons arrested for traffic violations, Class C or B misdemeanors; unless the officer has an articulable, reasonable suspicion to believe that the person is concealing a weapon or contraband. Reasonable suspicion may be based on, but is not limited to, the following criteria.
 - a. Nature of the offense.
 - b. Arrestee's demeanor and appearance.
 - c. Circumstances of the arrest or evidence of a major offense in plain view or during the course of the arrest.
 - d. Arrestee's criminal record, particularly a history of narcotics offenses or violence.

- e. Detection of suspicious objects beneath the suspect's clothing during a search incident to an arrest.
2. Strip searches shall be performed by persons of the same sex as the person arrested and at the county jail where the search cannot be observed by persons not physically conducting the search. No strip searches will be conducted in the field.
3. In every case, the on-duty or on-call supervisor must review the need and expressly authorize the strip search.
4. When authorized by the supervising authority, strip searches may be conducted only in the following:
 - a. in conformance with approved hygienic procedures and professional practices.
 - b. in a room specifically authorized for this purpose.
 - c. by the fewest number of personnel necessary and only by those of the same sex.
 - d. under conditions that provide privacy from all but those authorized to conduct the search.
5. Following a strip search, the officer performing the search shall submit a written report to the supervisory authority that details, at a minimum, the following:
 - a. Date and place of the search
 - b. Identity of the officer conducting the search.
 - c. Identity of the individual searched.
 - d. Those present during the search.
 - e. The identity of the approving supervisor.
 - f. A detailed description of the nature and extent of the search.

G. Body-cavity searches (10.15)

1. Body-cavity searches other than the mouth shall be conducted only when there is probable cause to believe a particular prisoner may be concealing contraband within a body cavity or otherwise on the suspect's person. Body-cavity searches shall only be conducted under the express direction of the Chief.
2. If appropriate, upon authority of the Chief or his/her designee, the officer shall seek a search warrant and shall prepare the necessary affidavit. Body cavity searches shall be conducted without a warrant only in extreme emergencies to protect the lives of prisoners or to prevent serious breaches of security.

3. The body-cavity search shall be performed only by a licensed physician or other medically-trained person as directed by the physician at medical facility.
4. The process of conducting the body-cavity search shall involve the same safeguards for privacy and hygiene as for strip searches.
5. 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 (TBP 7.07)

A. Consent Searches

A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to the search. Note that the officer doesn't have to have reasonable suspicion nor probable cause to request a consent search: he or she may merely ask for permission from someone with control over the item or premises. If that person grants permission, the search may take place. The sole justification for a consent search is the existence of knowing, intelligent, and voluntary consent.

1. Consent searches must observe the following rules:
 - a. Generally, the person granting consent must use, access, or control the property. A person having use, access or control of only a part of a jointly-owned property can only give consent for a search of that part.
 - b. If two people have joint ownership of property, either may give consent if they are the only one present. If possible, have all the consenting parties present sign a written permission-to-search form. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.
 - c. A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises, unless the tenant has been evicted or has abandoned the property.
 - d. A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use if they are the only one present. If both or multiple parties with joint ownership are present and any party objects to the search, the search cannot be performed.

- e. A parent may consent to a search of premises occupied by a child under the age of majority if the parent also has access to the premises. If a dependent child is present and is over the age of majority, he or she may legally object to the search of an area that is jointly owned or possessed.
- f. An employee cannot give valid consent to a search of his/her employer's premises unless he/she has been left in custody of the premises.
- g. An employer may generally consent to a search of premises used by employees, except premises used solely by another employee (e.g., a locker).
- h. Consent must be given voluntarily. If an officer requests consent from a person under circumstances which a reasonable person would consider coercive, the search would not be consensual and the officers should seek a warrant. The officer may have the burden of demonstrating voluntariness.
- i. A person who initially gives consent may withdraw it at any time. Officers shall then secure the premises and seek a warrant if probable cause exists.
- j. Refusal to give consent, in itself, cannot justify further law-enforcement action.
- k. The scope of a consent search is limited to the area for which consent has been given, and within this area officers may search only into areas where the objects sought could reasonably be hidden.

2. Documentation of Consent Searches

- a. Although verbal consent is valid, Police officers will carry and use the Voluntary Consent to Search form. The form should be completed and signed by the consenting parties. All Consent to Search Forms shall be forwarded to the Records Unit for filing.
- b. If a person gives verbal consent but refuses to give written consent, Police officers should consider the severity of the case along with viable options (i.e., obtaining a search warrant or some other exception to the search warrant requirement) before proceeding with the search.
- c. If a Police officer proceeds to search on verbal consent, it should be remembered that the burden of proof is always on the government.

- d. Police Officers will not only have to prove the consent was voluntary, but that it was actually given (officer's word against defendant). Officers should attempt to take additional steps to eliminate this argument (i.e., tape record the verbal consent, have an impartial third party witness the consent by signing the form).
- e. Police Officers should make every effort to minimize conditions which could be offered as "threat or intimidation"; such as:
 - i. Number of Police officers present (especially in uniform);
 - ii. Amount of force used to detain or arrest - i.e., displaying firearms, use of handcuffs, etc.;
 - iii. Language and tone of voice used in requesting consent;
 - iv. Other non-verbal communications.

B. Emergency searches

- 1. A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances."
- 2. Police Officers may make a warrantless search of any person or anything, whether personal belongings, vehicles, or buildings, anytime they have a probable cause to believe it is necessary to save a life, prevent injury, or prevent the destruction of evidence.
- 3. Police Officers who observe criminal activity occurring inside a private place from outside the private place may not always be able to secure a proper warrant in a timely manner and will adhere to the following guidelines:
 - a. If the offense is a misdemeanor, Police officers will not enter unless:
 - i. Valid consent is given by a person with apparent authority to grant such permission, or
 - ii. There is reason to believe there is an immediate need to protect the safety of some person inside the location.
 - iii. Circumstances where alcohol and/or illegal drugs are present, and the health and safety of minors is a legitimate concern.
 - b. If the offense is a felony, Police officers will not enter unless:
 - i. Valid consent is given by a person with apparent authority

to grant such permission.

ii. There is probable cause to believe the destruction of contraband or other evidence is imminent if it is not immediately recovered, or

iii. There is reason to believe there is an immediate need to protect the physical safety of some person inside the location.

c. Where Police officers enter private property under felony circumstances as described above, and misdemeanor violations are also observed, they may take appropriate action with regard to all criminal conduct regardless of the kind of offense or the age of the individuals engaged in any criminal or status offense.

4. If officers enter premises with probable cause to believe that critical evidence may be destroyed or removed unless immediate action is taken, they may enter without a warrant, secure premises, and obtain a search warrant before proceeding further unless they have obtained consent to search, or some new circumstances arise necessitating another warrantless search.

C. Plain view

A plain-view seizure is, technically, not a search. To make a plain-view seizure of property (contraband, fruits, or instrumentalities of the crime), two requirements must be met:

1. From a lawful vantage point, the officer must observe contraband left in open view; and
2. It must be immediately apparent to the officer that the items he or she observes may be evidence of a crime, contraband, or otherwise subject to seizure.

D. Plain feel

During a lawful frisk (stemming from a lawful stop), if an officer detects an object that is or might reasonably be an item that is contraband or other criminal evidence, then the object may be seized. Threatening items such as weapons may always be removed during frisks. Non-threatening items may be removed only if their contraband or evidentiary nature is immediately apparent.

E. Abandoned property and open fields

A search warrant is not required for property that has been abandoned.

1. To constitute abandoned property, three conditions must apply:
 - a. Property was voluntarily abandoned.
 - b. The abandonment was not a result of police misconduct.
 - c. Property was discarded outside the area in which someone has a reasonable expectation of privacy.
2. Open fields are not protected by the Fourth Amendment, but officers must distinguish them from curtilage, searches of which require a warrant. Curtilage is the area of a dwelling which is necessary, convenient, and habitually used by the family for domestic purposes. The extent of curtilage of a private residence is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation. Note that under some circumstances surveillance (e.g., aerial surveillance) of activities within curtilage may take place without a warrant.

V. VEHICLES (TBP 7.07)

A. In recent years, the U.S. Supreme Court has modified and expanded the conditions under which officers may search vehicles. Preferably, officers shall search vehicles under the authority of a warrant whenever sufficient time exists to obtain one. Nevertheless, warrantless searches of vehicles may take place under a number of conditions and circumstances. It is imperative that officers understand the different types of vehicle searches and their limitations.

B. Definitions

1. For the purposes of this section, a motor vehicle is any vehicle operating or capable of being operated on public streets or highways, from trucks to automobiles to mobile homes. A vehicle that has been immobilized in one location for use as a storage facility or home is not a motor vehicle for Fourth Amendment purposes.
2. For the purposes of this section, a search is an examination of a motor vehicle with an investigative motive, that is, to discover evidence or to examine the vehicle identification number (VIN) to ascertain ownership.

C. When warrantless vehicle searches may be performed

1. As noted earlier, warrants shall be obtained to search vehicles, if feasible, unless an emergency exists. Any vehicle that has been disabled with little chance of its being driven away shall be searched with a warrant. In all other cases, vehicles may be searched without a with the following limitations:

- a. With a warrant, a search may extend anywhere within the vehicle, unless limited by the warrant itself.
- b. When probable cause exists, a search may extend anywhere within the vehicle, unless the probable cause is limited to a specific part of the vehicle.
- c. When consent has been obtained from the driver, officers may search the vehicle subject to any limitations specified by the consenting person. Consent shall be obtained in writing, if feasible.
- d. Searches incident to the arrest of an occupant shall be limited to any area within reach of the arrestee. The area within reach is deemed to be the passenger compartment. The trunk, engine compartment, and any locked compartments shall not be searched unless immediately accessible to the suspect. (See Section III above for a fuller treatment of searches incident to arrests and restrictions. Once an individual is restrained or removed from the immediate area of the vehicle, the authority to search the area within reach is removed.)
- e. Frisks for weapons shall be confined to the passenger area. Any place not immediately accessible to the occupants, such as a locked glove compartment, shall not be frisked. If the contents of a container are immediately accessible to the subject, a closed container may be searched for weapons. Note that an officer can order the suspect from the vehicle and frisk both the suspect and the vehicle.
- f. An entry into the vehicle to examine the VIN or otherwise determine ownership must be limited to these purposes.
- g. An emergency search of the vehicle may be conducted but the extent of the search must not exceed whatever is necessary to respond to the emergency.
- h. Note: If the initial search under the above conditions gives rise to probable cause that evidence, contraband, fruits, or instrumentalities of the crime might be found elsewhere in the vehicle, officers may search those areas that might reasonably contain such items.

D. Containers within the vehicle

1. As a rule, no container within a vehicle shall be searched unless it might contain the item(s) sought.
2. Procedures for unlocked containers

- a. In a probable cause search, containers may be opened wherever found in the vehicle.
- b. When the passenger area is searched incident to an arrest, containers within the passenger area may be opened.
- c. During a consent search, containers may be opened provided that the terms of the consent either so permit or reasonably imply permission.
- d. Containers found in or discarded from a vehicle under circumstances not amounting to probable cause or in connection with a search incident to an arrest shall not be searched but shall be secured until a warrant is obtained.
- e. The abandonment doctrine does apply to containers thrown from a vehicle by a suspect.

3. Procedures for locked containers


- a. Under most conditions, locked containers shall be opened under a warrant unless one of the following circumstances has been met:
 - i. Consent has been given.
 - ii. Probable cause exists to search the vehicle and the object of the search might be found in the container. (Even in this circumstance, a warrant is preferred.)
 - iii. Inventory, only if a key is present.

E. Conduct of the vehicle search

1. When possible, searches of vehicles shall be conducted contemporaneous with the stopping or discovery of the vehicle. As a general rule, vehicle searches shall be conducted as soon as reasonably possible.
2. When possible, officers shall avoid damaging a vehicle or its contents, and shall minimize the intrusiveness of the search and any inconvenience suffered by the passengers or owner.
3. As vehicles may contain sharp or pointed objects, and perhaps even syringes or other materials with body fluids on them, officers shall take precautions to minimize exposure to communicable diseases.

F. Vehicle Inventory.

While not a search for evidence or contraband, a vehicle inventory may be conducted if the vehicle is to be impounded, prior to release to an authorized person, or when left at a location at the owner/operators request. Vehicle impound procedures are provided in Policy 7.16.

	BREHAM POLICE DEPARTMENT	
	Policy 7.5 Search Warrants	
	Effective Date: 7/15/2011	Revised: 09/22/2020
	Approved:	Ron Parker Chief of Police
	Reference: TBP 7.06.1	

I. POLICY

The federal and state constitutions guarantee every person the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. Supreme Court decisions regarding search and seizure place the responsibility on the police to ensure that person's Fourth Amendment rights are protected. Officers shall scrupulously observe constitutional guidelines when conducting searches and always remain mindful of their lawful purpose. Search warrants, in particular, are one of the most valuable and powerful tools available to law-enforcement officers. Because of the potential harm to members of the community, the risks to officers' safety and to the department image in the community, officers shall have a thorough knowledge of the legal requirements in obtaining and executing search warrants.

II. PURPOSE

The purpose of this general order is to establish guidelines and procedures which officers must follow when conducting searches and seizures.

III. DEFINITIONS

- A. Search Warrant: A written order, issued by a magistrate, and directed to a peace officer, commanding him to search for any property or thing and to seize the same and bring it before such magistrate or commanding him to search for and photograph a child and deliver to the magistrate any of the film exposed pursuant to the order.
- B. Search Site: The premises to be searched, as explicitly stated in the search warrant.
- C. Lead Detective: The officer primarily responsible for the investigation, and preparing, planning, and implementing the search warrant.
- D. E.R.T. (Emergency Response Team) Commander: The officer responsible for planning and supervising tactical operations to include dynamic entry and other tasks requiring special weapons and tactically trained officers.
- E. Protective Sweep: Quick and limited search of premises incident to an arrest or service of a warrant performed in order to identify weapons or

other dangers to officers or others. Officers must be able to articulate a reasonable basis for conducting a protective sweep.

- F. Curtilage: Curtilage usually refers to the yard, garden, or piece of ground which adjoins a private residence. While the term has no absolute definition that applies under all circumstances, the curtilage of a private residence, for instance, is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation.

IV. PROCEDURES - General

A. State Law

1. Chapter 18 of the Texas Code of Criminal Procedure controls the use of search warrants in Texas. It states that a judge or magistrate may issue a search warrant if the following circumstances exist:
 - a. There is probable cause to do so, and
 - b. There is a complaint on oath supported by an affidavit.
2. Search warrants may be issued for the search of or for specified places, things or persons, and seizure there from of the following things as specified in the warrant:
 - a. Weapons or other objects used in the commission of a crime.
 - b. Articles or things the sale or possession of which is unlawful.
 - c. Stolen property or the fruits of any crime.
 - d. Any object, thing, or person including documents, books, records, paper, or body fluids constituting evidence of a crime.

B. Supreme Court decisions

1. The Supreme Court of the United States issues decisions which must be used as guidelines in conducting searches. Because the Fourth Amendment to the Constitution prohibits unreasonable searches and seizures, officers bear the burden of proving that the search was reasonable. The court will examine reasonableness according to the answers to these questions:
 - a. Was there probable cause to issue the search warrant?
 - b. Was the scope of the search appropriate?

C. Exceptions to search warrant requirements are discussed in Policy 7.4.

V. PROCEDURES - Obtaining a search warrant (TBP 7.06)

- A. Prior to obtaining a search warrant, officers should consult a departmental supervisor for review of the probable cause and approval to seek a search warrant.

This review may be conducted by telephone if necessary. If the supervisor approves the warrant application, the supervisor shall notify the Chief of Police through Chain of Command 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 the E.R.T. if needed, the approving supervisor is responsible for the proper and safe execution of the warrant including compliance with this policy.

C. Essential legal requirements

1. To obtain a search warrant, an officer must show probable cause to believe that specific evidence, contraband, or fruits of a crime may be found at a particular place.
2. The officer shall carefully document in an affidavit specific facts that constitute probable cause. Two kinds of facts must be considered:
 - a. The facts from which the officer concluded that the person or thing is probably located at the place to be searched.
 - b. The facts which address the reliability of the source of the officer's information.
3. The court considers only those facts presented in the warrant and affidavit. Conclusions and suspicions are not facts. Facts must be recent.
4. Apart from the officer's personal knowledge or observations, facts may derive from a reliable informant.
5. Reliability of facts is established by:
 - a. Personal observation or knowledge by an officer.
 - b. Eyewitnesses who have first-hand knowledge.
 - c. Informants (if proven reliable or corroborated by personal observation of an officer).

D. Affidavits

1. The accuracy of the affidavit is vital to the validity of the search warrant. On the designated form, officers shall provide the information listed below. CCP 18.01 requires officers to swear to the facts of the affidavit before a judge or magistrate.
2. The affidavit shall include the following elements:
 - a. A detailed description of the place, thing, or person to be searched.

- b. A description of the things or persons to be searched for.
- c. A substantial allegation of the offense in relation to which the search is to be made.
- d. An allegation that the object, thing, or person to be searched constitutes evidence of the commission of the offense.
- e. Material facts which would show that there is probable cause for issuing the search warrant.
- f. Facts that establish probable cause and that the item to be seized is at the location to be searched.

E. Language of the warrant

1. Only the things specified in the search warrant can be seized (for a discussion of exceptions to this, such as plain-view seizures and searches incident to arrest, see Policy 7.4). The warrant shall specify the areas to be searched and shall be precisely stated. If officers wish to search a home and its surroundings, the affidavit must specify a "premises" search and its curtilage and must identify outbuildings, garages, as appropriate.
2. If motor vehicles to be searched are on the premises, the warrant shall so specify.
3. If searches of specific persons (other than frisks) are to be included during the search, the warrant shall so specify. If the warrant states that all persons present shall be searched, then probable cause to do so must be justified in the affidavit.
4. The items to be searched for shall be precisely described. If an item to be searched for may be dismantled (e.g., firearms), then the warrant must specify the search for parts, pieces, or components of the item.
5. If officers anticipate searching for and seizing computers or similar, complex technology, then experts must be consulted to determine the appropriate language to list in the affidavit and for outlining appropriate guidelines in the warrant for seizure of hardware and software.
6. If time and opportunity permit, the affidavit and warrant should be reviewed by the District Attorney or legal counsel prior to presenting it to a magistrate.
7. If officers believe it is in the best interest of officer safety or that evidence may be destroyed if advanced warning is given and wish to utilize a "no-knock" warrant execution, the reasons for that belief should be clearly explained in the affidavit. The affidavit must be read and approved by

someone with the rank of Captain or higher for the approval of a “no-knock” warrant to be obtained prior to being taken to a magistrate. The magistrate should be requested to review and authorize the no-knock entry.

VI. PROCEDURES - Executing a search warrant (TBP 7.06)

A. When a search warrant must be executed

1. An officer is required to execute a warrant within the limitations imposed by statute. If it has not been executed during that time, the officer shall void the warrant and return it to the magistrate who issued it.
2. An officer may execute a search warrant either during the day or at night. The time of day selected to execute the warrant should take into consideration the likelihood that specific individuals will or will not be present. (Example: children or elderly.) Officer safety will also be considered in determining when to execute a warrant.

B. Preparing to execute the warrant

1. Before executing the warrant, the on-duty supervisor shall review the warrant and the affidavit; and brief the search team officers on the procedures to be followed. The supervisor shall ensure that the entire warrant process is documented. Written reports shall be supplemented with photographs or videotape, if available and appropriate.
2. All members of the search team shall be in uniform or wear clearly marked clothing/vest with “POLICE” in large letters on the front and back.
3. All members of the search team shall wear protective body armor during the execution of all warrants.

C. Gaining entrance to premises

1. Prior to execution of the warrant, the lead detective shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is executed. The lead detective shall make a final assessment of the warrant’s accuracy in relationship to the location to be searched.
2. The search team shall first deploy around the premises to be searched, ensuring that all exits are covered. Uniformed officers shall be the most visible members of the search team and shall conduct the initial entry.
3. In most cases the officer shall do all of the following before entering the premises to be searched:

- a. He or she must announce his/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.
4. When entrance is refused

If the officer is refused entrance after a reasonable time, he/she may force his/her way into the premises using force applicable to the circumstances. "Reasonable time" in this context depends on the circumstances. A refusal may be expressed or implied. A refusal can be implied in two circumstances:

- a. No one has admitted the officer within a time in which it would be reasonable to expect someone to let the officer in if he or she is going to be admitted at all.
 - b. The officer waiting to be admitted sees or hears suspicious circumstances, such as flushing toilets or footsteps running away from the door, which indicate that someone might be concealing or destroying evidence or trying to escape.
5. No-knock or exigent entry

In some circumstances a police officer may enter the premises to be searched without announcing his or her presence and purpose before entering. The judicial authority issuing the warrant may add a no-knock entry provision to the warrant. If not, the decision to make a no-knock entry may be made by the on-scene supervisor based on facts that would lead him or her to believe that an announcement would result in:

- a. Bodily harm either to the officer or to someone within the premises to be searched.
 - b. The escape of the person to be searched or arrested.
 - c. The destruction of evidence.
6. If circumstances require a no-knock or exigent entry, then the first officer to cross the threshold into the premises shall announce that law-enforcement officers are executing a warrant. Officers shall also command the occupants to take the appropriate action to ensure their safety, such as "Police, search warrant, get down, show me your hands."

D. Conduct of the search

1. Upon entry, the occupant shall be given a copy of the search warrant.
2. The supervisory officer shall ensure that a protective sweep of the site is performed immediately.
3. After the site has been secured, a photographic and/or videotape record of the premises shall be made prior to conducting the search.
4. Once all the evidence being searched for is located, the search must cease at that point.
5. Officers shall not use a search warrant to conduct a fishing expedition, i.e., if the search warrant is for a television, or large item, small places such as jewelry boxes may not be searched.
6. An officer may seize only the property listed in the warrant with two exceptions:
 - a. The other evidence is reasonably related to the offense for which the search warrant was issued.
 - b. It is property which the officer knows or has probable cause to believe is evidence of another crime.
7. Cash and currency taken as evidence shall be verified by a supervisor and be transported to a separate safe/evidence locker as designated by department policy.
 - a. Officers should exercise reasonable care in executing the warrant to minimize damage to property. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.
 - b. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.
8. If items are taken from the search site, an itemized receipt shall be provided to the resident/occupant, or in the absence of the same, left in a conspicuous location at the site.

E. Searches of persons found on premises

1. A person's presence on the premises to be searched with a warrant does not, without more, give rise to probable cause to search that person beyond a frisk for officers' safety.
2. A warrant to search the premises for contraband does carry with it the authority to detain the occupants of the premises while a search is being conducted. If the search of the premises gives rise to probable cause to arrest the detainee, he or she may be arrested and his or her person searched incident to arrest.
3. A person on the premises may be searched if the officer has probable cause to believe that items listed in the warrant are concealed on the person. Mere presence on premises does not constitute probable cause.

VII. PROCEDURES: High Risk Warrant Execution

- A. A High Risk Warrant is any situation where it is likely that any special obstacle to the safe, effective execution of the warrant is present, the location has been fortified or officers may meet armed resistance and/or deadly force. This suspicion should be corroborated by intelligence information (i.e., CCH, C.I. statements, history of location, Detective's personal knowledge).
- B. High Risk Search Warrants will utilize the E.R.T. (or the appropriate tactical unit within the jurisdiction) for entry and the securing of the premises.
- C. The Supervisor in charge of the Warrant's execution will notify the E.R.T. Commander through the proper channels and will provide a copy of the Warrant and Affidavit.
- D. Upon notification by any Supervisor that the E.R.T. will be needed to execute a Warrant, the E.R.T. Commander will contact the E.R.T Team Leader and Lead Detective and obtain the details of the Warrant execution. This will include a physical inspection of the target and verification of the address and physical description.
 1. Upon completion of the scouting report, together they will formulate a plan of execution.
 2. The E.R.T. Commander will notify the E.R.T Team Leader to assemble the number of E.R.T. officers that is required and when/where they are to report.
 3. Use of on-duty patrol officers should be coordinated with the on-duty supervisor to avoid depleting manpower.
- E. A Warrant Execution briefing will be held. The Warrant execution briefing will include the Supervisor in charge of the warrant's execution, the Lead Detective, the E.R.T. Commander, the E.R.T Team Leader the Communications

Supervisor, and will include all officers participating in its execution or who will be at the scene.

1. They shall detail procedures for executing the warrant to all team members in a warrant service briefing. The plan briefing shall be conducted by the E.R.T. Team Leader, Lead Detective and the E.R.T. Commander and will include but not necessarily be limited to the following:
 - a. The specific items subject to the search as defined in the warrant and any available information on their location.
 - b. Information concerning the structure to be searched and surroundings, to include floor plans where available, mockups, photos, and diagrams of the location identifying entrances, exits, obstructions, fortifications, garages, outlying buildings, suspect vehicles, and all other points of concern.
 - c. Suspects and other occupants who may be present at the location—incorporating photos or sketches whenever possible—with emphasis on suspect threat potential, as well as the presence of children, the elderly or others who may not be involved with suspects.
 - d. A complete review of the tactical plan to include the staging area, route of approach; individual assignments for entry, search, management of evidence, custody and handling of seized vehicles, custody of prisoners, and post-execution duties such as securing the location and conducting surveillance on the site for additional suspects.
 - e. Personnel, resources, or armament necessary for gaining entry, safety and security of officers, or for conducting the search.
 - f. If a joint agency task force operation, all officers participating in the warrant service shall be present and identified as members of the warrant service team.
 - g. Contingency plans for encountering hazardous materials, canines, booby traps, fortifications or related hazards; measures to take in case of injury or accident, to include the nearest location of trauma or emergency care facilities.
 - h. Procedures for exiting the location under emergency conditions.
2. The entry team shall at all times include uniformed officers who shall be conspicuously present where the warrant is served. All non-uniformed officers shall be clearly identified as law enforcement officers by a distinctive jacket or some other conspicuous indicator of office.
3. All members of the search team shall wear body armor or ballistic vests as designated by the lead detective.
4. Prior to execution of the warrant, the lead detective shall attempt to determine if any circumstances have changed that make executing the search warrant undesirable at that time. Where possible, pre-search surveillance shall be conducted up to the point at which the warrant is

executed.

5. The lead detective shall make a final assessment of the warrant's accuracy in relationship to the location to be searched.
6. The lead detective shall ensure that the entire search warrant execution process is documented until the search team leaves the premises. A written record shall be supported by photographs and, if practical, videotaping of the entire search process.

F. Entry Procedures


1. If an advance surveillance team is at the target site, radio contact shall be made to ensure that the warrant can be served according to plan.
2. The search personnel shall position themselves in accordance with the execution plan.
3. An easily identifiable police officer shall knock and notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he or she is a police officer and has a warrant to search the premises, and that he or she demands entry to the premises at once.
4. Following the knock and announce, officers shall delay entry for an appropriate period of time based on the size and nature of the target site and time of day to provide a reasonable opportunity for an occupant to respond (normally between 15 and 20 seconds). If there is reasonable suspicion to believe that the delay would create unreasonable risks to the officers or others, inhibit the effectiveness of the investigation, or would permit the destruction of evidence, entry may be made as soon as practicable.
5. Once the entry has been made and the scene secured, the Lead Detective will perform the search as required in Section VI. D above.

VIII. PROCEDURES - Return of the search warrant (TBP 7.06)

- A. After an officer has finished a search, he or she shall perform the following:
 1. Note the date of execution on the search warrant.
 2. The officer must make an inventory of all the property seized and leave a copy with the person in charge of the premises.
 3. Within three days following the execution of the search (excluding Saturdays, Sundays, or legal holidays) make return of the warrant to the magistrate who issued the warrant. The following
 - a. The search warrant.
 - b. The affidavit.
 - c. Either the inventory of articles seized or a notation that nothing was seized during the search.

B. Responsibility for property seized

1. All property seized must follow a rigorous chain-of-custody procedure. Documentation must appear in all narrative reports pertaining to the chain of custody of any items seized. The department evidence tag shall be used to identify all seizures.
2. Officers shall place evidence in the property room or locker reserved for the purpose prior to the end of shift.
3. Observe the property and evidence procedures as detailed in Policy 12.1.

	BRENHAM POLICE DEPARTMENT	
	Policy 7.6 Limited English Proficiency	
	Effective Date: 7/15/2011	Reviewed: 09/22/2020
	Approved:	Ron Parker Chief of Police
	Reference:	

I. POLICY

Our country has always been a melting pot of cultures and throughout our history individuals with limited English proficiency have found it difficult to clearly understand important rights, obligations and services. It is therefore the policy of this department to take reasonable steps to ensure equal access, of all individuals, to the rights, liberties and services of government, regardless of national origin or their primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC § 2000d).

II. PURPOSE

To establish direction in dealing with members of the public who have limited English proficiency.

III. DEFINITIONS

- A. Limited English Proficiency (LEP): Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes such as reading or writing. Similarly, LEP designations are context specific - an individual may possess sufficient English skills to function in one setting, but these skills may be insufficient in other situations.
- B. Interpretation: The act of listening to a communication in one language and orally converting it to another language while retaining the same meaning.
- C. Translation: The replacement of written text from one language into an equivalent written text of another language.
- D. Bilingual: The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. For purposes of this policy, in order for employees to be identified as bilingual, they must be initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is

able to determine the purposes for which an employee's language skills may be used.

- E. Authorized Interpreter: An employee or other designated individual who is bilingual and has successfully completed department prescribed interpreter training and is authorized to act as an interpreter or translator.

IV. FIELD RESPONSE TO LIMITED ENGLISH PROFICIENCY

A. Identification of an Individuals Primary Language

1. Officers may encounter individuals in the field who do not clearly understand spoken English. Officers should be alert to clues that will indicate individuals do not clearly understand the officer.
2. When officers believe an individual does not clearly understand English, the officer will utilize all reasonably available tools, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying the language and failing to provide adequate service.
3. Officers needing assistance in communicating with the individual will utilize other options including the use of signs and gestures, writing notes, or using others at the scene to attempt to communicate with the individual.
4. Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, is generally not recommended and departmental personnel shall make case-by-case determinations on the appropriateness of using such individuals.
5. If further assistance is needed, the officer will contact Communications in order to locate an interpreter or make contact with the telephone interpretation services.

B. Field Enforcement and Investigations

1. Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in this policy to provide appropriate language assistance.

2. Although not every situation can be addressed in this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

C. Investigative Interviews

1. In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identifying the contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.
2. Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

D. Custodial Interrogations and Booking

1. In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.
2. If time and opportunity exist, the District Attorney should be consulted regarding the proper use of an interpreter prior to any interrogation.
3. In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

4. Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications or the need to segregate the arrestee from other prisoners, therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

E. LEP Contacts and Reporting

Whenever any member of this department is required to complete a report or other documentation and interpretation or translation services are provided to any involved LEP individual such services should be noted in the related report.

V. DEPARTMENTAL RESPONSE FOR LEP

- A. Since there are potentially hundreds of languages department personnel could encounter, the Department has and will continue to utilize the four factor analysis outlined by the Department of Justice in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to individuals within this jurisdiction. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis therefore, must remain flexible and requires an ongoing balance of the following four factors:
 1. The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area.
 2. The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services.
 3. The nature and importance of the contact, program, information or service provided.
 4. The cost of providing LEP assistance and the resources available.
- B. As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or on department personnel.
- C. While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

D. Types of LEP Assistance to be Provided

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department provided interpreter services may include, but are not limited to the assistance methods described in this section.

E. Bilingual Staff

Employees utilized for LEP services need not be certified as interpreters, but must have demonstrated, through established department procedures, a level of competence to ascertain whether the employee's language skills are best suited to monolingual communications, interpretation, translation or all or none of these functions. When bilingual employees of this department are not available, employees from other city departments who have the requisite training may be requested.

F. Written Forms and Guidelines

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to departmental personnel and other appropriate individuals.

G. Community Volunteers and other Interpretive Sources

Where competent bilingual departmental personnel or other certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance.


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. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response 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. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

	BRENHAM POLICE DEPARTMENT	
	Policy 7.7 Communication with the Deaf or Hard of Hearing	
	Effective Date: 7/11/2011	Reviewed: 09/22/2020
	Approved: Ron Parker Chief of Police	
	Reference:	

I. POLICY

It is the policy of this agency to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. This Agency has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. To carry out these policies and legal obligations, and to continue to provide the highest level of services to all members of the community, officers will use every means at their immediate disposal to ensure appropriate understanding by those who are deaf or hard of hearing.

II. PURPOSE

This document outlines the management of communication with individuals who are deaf or hard of hearing.

III. GENERAL PROCEDURES

- A. People who identify themselves as deaf or hard of hearing are entitled to a level of service equivalent to that provided hearing persons.
- B. The Agency will make every effort to ensure that its officers and employees communicate effectively with people who have identified themselves as deaf or hard of hearing.
- C. Effective communication with a person who is deaf or hard of hearing who is involved in an incident (whether as a victim, witness, suspect, or arrestee) is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.
- D. Communication problems in police-public encounters provide the basis for potential frustration and embarrassment. Failure of officers to recognize that a person has hearing impairment, or that person's failure to make his or her impairment known to officers, can also lead to critical misunderstandings. To avoid such potentialities, officers shall be cognizant of the following:
 1. Be alert to indications that a person may be deaf or have hearing impairment. Such indications include but are not limited to the following:
 - a. The appearance of bumper stickers, rear window decals, or visor notices/symbols indicating the disability

- b. Use of signs, hand signals, or gestures in an attempt to communicate
 - c. Display of cards by the person noting his or her hearing disability
 - d. Inability or difficulty of a person to follow verbal instruction or requests for information
 - e. A need to see the officer's face directly, suggesting that the person is attempting to lip-read,
 - f. Evidence of assistive devices such as hearing aids, cochlear implants, or picture symbols
 - g. Evidence of behaviors such as increased agitation or irritability, low frustration levels, withdrawal, poor attention, or impaired equilibrium.
2. When dealing with persons who are, or who are suspected of being deaf, or who have hearing impairment, officers shall never assume that the person understands until it can be confirmed by appropriate responses to questions or directives.
 3. Once someone is identified as a deaf or hearing-impaired person, officers shall determine by written or other forms of communication the person's preferred means of communication—sign language, reading and note writing, or speech.
 4. For persons who use sign language, a family member or friend may interpret under emergency conditions or, in minor situations, for the sake of convenience, when an interpreter is not available or required by law. In all other situations, officers shall not rely on family members or friends for sign language interpretation due to their potential emotional involvement or conflict of interest.
 5. Officers shall test comprehension by seeking appropriate responses to simple questions or directives. Deaf or hard-of-hearing persons may require additional time to understand and respond to commands, instructions, and questions.
- E. Various types of communication aids - known as "auxiliary aids and services" - are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or typewriter; use of assistive listening devices (to amplify sound for persons who are hard of hearing); or use of qualified oral or sign language interpreter.
- F. The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.
- G. In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter, or use of an assistive listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for

effective communication with a person whose primary means of communication is sign language or speech reading. For example:

1. If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.
 2. If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively and a sign language interpreter is often not required.
- H. To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need. Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.
- I. The Agency is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question, or if it would cause an undue administrative or financial burden. Only the Agency head or his or her designee may make this determination.
- J. The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand -- and are understood by -- all those involved, including persons who are deaf or hard of hearing.
- K. People who are deaf or hard of hearing must never be charged for the cost of an auxiliary aid or service needed for effective communication.

IV. ON-CALL INTERPRETIVE SERVICES

- A. 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 is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases.

Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality. Additionally, although a “qualified” interpreter may be certified, a certified interpreter is not necessarily “qualified,” if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be “qualified.”

- C. In cases where a deaf or hard of hearing individual may be charged with a serious crime, the District Attorney should be consulted for appropriate determination of the interpretive services required prior to any interview or interrogation.

V. ARREST SITUATIONS

- A. Recognizing that some persons need their hands free in order to communicate, unless absolutely necessary for the safety of officers or others, the use of handcuffs shall be avoided if possible prior to transport. During transport of a deaf or hard of hearing individual they will be handcuffed, all essential communication with the suspect should be completed prior to their application if possible.
- B. Deaf persons and persons who have severe hearing impairments often have reduced verbal communication skills, speech that may be incoherent or otherwise resemble that of an individual who is intoxicated, and difficulty with equilibrium. As such, officers shall avoid administering standard field sobriety tests to such persons. Breathalyzer, blood alcohol, or horizontal gaze nystagmus should be employed as alternative tests.
- C. Some deaf and hearing-impaired persons have limited written language skills, particularly involving difficult matters such as legal warnings and admonitions. Therefore, officers shall not assume the effectiveness of this form of communication and should gain confirmation of a person’s understanding whenever possible.
- D. Officers shall ensure that deaf and hearing-impaired persons who are arrested and transported to a booking site have their communication devices with them.


VI. TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY

Officers must review and have a working knowledge of Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hard of Hearing. This document reviews how officers should communicate effectively in the types of situations officers will encounter. These situations include:

1. Issuing a non-criminal or motor vehicle citation. –
2. Communicating with a person who initiates contact with an officer.
3. Interviewing a victim or critical witness to an incident.

4. Questioning a person who is a suspect in a crime.
5. Making an arrest or taking a person into custody.
6. Issuing Miranda Warnings to a person under arrest or in custody.
7. Interrogating a person under arrest or in custody.

[This guide is available on line at <http://www.ada.gov/lawenfcomm.htm>]

	BREHAM POLICE DEPARTMENT	
	Policy 7.10 Prisoner Restraints	
	Effective Date: 7/15/2011	Revised: 4/12/2021
	Approved: Ron Parker Chief of Police	
	Reference: TBP 10.01.1e	

I. POLICY

The officer's responsibility for the safe custody of prisoners permits some discretion in the use of handcuffs and restraining devices. The department requires officers to observe their own safety and that of the people they transport by carefully utilizing restraints on prisoners (except children) who must be taken to a jail or other location. See also Policy 7.11, Transporting Prisoners.

II. PURPOSE

To establish guidelines for the use of handcuffs and other restraining devices.

III. PROCEDURES - Arrested Persons

A. General

1. Officers shall handcuff all arrested adults and juveniles unless the application of handcuffs will aggravate or cause injury due to age, infirmity, physical condition or prior injury. If a prisoner is not handcuffed, they shall be transported in a vehicle with a prisoner cage. Officers must be able to justify exceptions without unduly risking safety.

B. Handcuffs

1. In most circumstances, safety concerns mandate that arrested subjects should be handcuffed. Officers must be able to justify exceptions without unduly risking safety. Some possible exceptions are:
 - a. Children under 10 years of age;
 - b. Pregnant females;
 - c. Handicapped or disabled suspects; or
 - d. Elderly suspects.
2. Normally, officers shall handcuff a subject with the hands in back, but he/she may choose to handcuff hands in front due to the suspect's handicap

or disability. If handcuffed in the front, officers should attempt to secure the handcuffs to the body by use of a body belt if possible.

3. When a suspect is handcuffed, officers will double lock the handcuffs. This will help ensure prisoner and officer safety. Double locking reduces the chance of picking the lock or of the handcuff accidentally tightening, further restricting circulation.
4. Officers shall apply the handcuffs according to recognized professional standards, always striving to avoid hard strikes to wrists with handcuffs and over-tightening of handcuffs.
5. Individuals will not be handcuffed to any portion of a police vehicle during transport.

C. Body Belt

The body belt allows the officer to handcuff the prisoner in front, yet restricts the movement of the prisoner's arms and hands. The body belt will be used when the officer deems it appropriate.

D. Ankle Shackles

Ankle shackles shall be used by officers when transporting any prisoner they have reason to believe might be an escape risk or when circumstances deem it appropriate.

E. Plastic Handcuffs

Plastic handcuffs shall be used when officers take several prisoners into custody, or when a prisoner requires multiple restraints. Officers must understand that, once applied, plastic handcuffs can only be removed with a knife, scissors, or other cutting instrument.

F. Hobble Technique


1. The hobble technique refers to the use of a hobble device to secure a prisoner's feet while in transport in a police car. It involves looping a rope around the prisoner's ankles and then extending the other end of the device onto the door jam and then shutting the door, thus holding the prisoner's feet in place.
2. The hobble device should only be applied to a prisoners legs when the officer feels that the prisoner poses an imminent threat of physical harm to himself/herself or another with the use of his/her feet or legs, or when the prisoner attempts to damage the inside of the patrol car during transport.

IV. PROCEDURES - Persons not arrested

- A. If officers have a reasonable suspicion that an individual has been involved in a violent offense, handcuffs may be applied to potential suspects while officers investigate an incident. Officers should be able to articulate the reasons for their safety concern. Persons not arrested but who are subject to investigative detention may be restrained under the following circumstances.
 - 1. Suspects shall be handcuffed only as long as necessary to accomplish the investigative goal.
 - 2. Handcuffing of suspects shall be accomplished with minimal discomfort to the suspect.
 - 3. Officers shall limit the number and type of restraints used on the suspect to what is reasonably necessary to accomplish the investigation.
- B. If an individual is handcuffed or otherwise restrained for officer safety reasons during an investigation and later released, officers shall document their actions in the call for service log and include the reasons officer/s handcuffed the individual and the results of the investigation.

V. SPECIAL CIRCUMSTANCES

- A. Restraint prohibitions
 - 1. Officers shall not place subjects in a prone position with the hands and ankles bound from behind with handcuffs, belts, or other devices.
 - 2. As soon as any suspect who is lying on his or her stomach has been handcuffed, officers shall roll the suspect onto his or her side, or place the suspect in a sitting position. Suspects shall never be transported in a prone, face down position.
 - 3. Intoxication, recent use of drugs or alcohol, the presence of a head injury, obesity, physical disability, and recent exertion are all circumstances that can increase difficulty breathing when restrained. All suspects will be monitored during custody and transport for indications of medical problems and medical treatment obtained if required.

	BRENHAM POLICE DEPARTMENT	
	Policy 7.11 Prisoner Transportation	
	Effective Date: 7/15/2011	Reviewed 09/23/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP 10.01.1, 10.10.1, and 10.12.1	

I. POLICY

Transportation of persons in custody is a constant requirement and a frequent activity. Transportation usually occurs in two instances. The first is immediately after arrest when the arrestee is taken by the arresting officer for booking and holding or transfer to another facility. The second concerns the movement of prisoners from the detention facility, such as the county jail, to a hospital, doctor, dentist, or other medical facility, to court, and for other reasons. Transporting prisoners is a potentially dangerous function. Therefore, it is the policy of this law enforcement agency to take the precautions necessary while transporting prisoners to protect the lives and safety of officers, the public, and the person in custody.

II. PURPOSE

The purpose of this policy is to establish procedures to ensure that prisoners are transported safely.

III. PROCEDURES (TBP: 10.01.1)

A. General

1. Unless no other type of vehicle is available, all prisoners shall be transported in secure, caged vehicles.
2. In no case shall a juvenile known or believed to be under the age of 17 years be transported with adults suspected of or charged with criminal acts.
3. When picking up a prisoner from any facility, the officer shall verify the identity of the prisoner.
4. The transporting officer shall obtain from the custodian of the prisoner any paperwork, property, or medical records that should accompany the transfer of the prisoner.

B. Searching the prisoner

1. The transporting officer shall always search a prisoner before placing him or her into the vehicle. Officers must never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner. The transporting officer shall conduct a search of the prisoner each time the prisoner enters custody of the officer.
2. When handling and searching prisoners, officers shall remain mindful of the department's infectious diseases exposure control plan and shall use personal protective equipment when necessary.
3. Any items removed from the prisoner prior to transport will be securely maintained and returned to the prisoner or turned in to the booking officer upon arrival at the location of detention for placement in the prisoner's property. (TBP: 10.10.1)

C. Searching the police vehicle

The transporting officer shall search the vehicle immediately before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. Further, after delivering the prisoner to his or her destination, officers shall again search the police vehicle to ensure that the prisoner did not hide contraband or other evidence. (TBP 10.01.1)

D. Transport equipment

1. Most marked vehicles are equipped with a metal or plastic screen separating the front and rear compartments. Normally, these vehicles will be used in all prisoner transports in order to prevent prisoner access to the driver's compartment.
2. All vehicles equipped with metal screen barriers and used in transporting prisoners have the rear interior door and window handles removed in order to minimize the risk of escape by prisoners while transporting.
3. Vehicles used for transporting prisoners should be checked for proper security measures and any contraband at the beginning of each shift and before transporting prisoners.

E. Positioning of prisoners in the transport vehicle

1. When an officer transports a prisoner in a caged vehicle, the prisoner shall be positioned in the rear seat and secured with seat belts. Prisoners shall be handcuffed with their hands behind their backs, palms outward, except for the exceptions detailed in Policy 7.10.
2. When a single officer transports a prisoner in a non-caged vehicle, the prisoner shall be placed in the right front seat and secured with a seat belt. The prisoner shall be handcuffed with his or her hands behind the back, palms outward. A

single officer shall never transport two or more suspects in a non-caged vehicle unless directed by the on-duty supervisor.

3. If more than one officer transports prisoners in a non-caged vehicle, the following procedures shall be observed.
 - a. One officer shall position him or herself in the rear of the transporting vehicle behind the driver with the prisoner (seat belted) on the rear passenger side.
 - b. In a situation where more than one prisoner is transported by two officers in the same vehicle, the prisoners shall be positioned on the front and rear passenger side (seat belted) and the assisting officer should position himself behind the driver's seat in order to see the prisoners at all times and protect the driver.
4. Officers shall not transport prisoners who are restrained in a prone position. Doing so increases the risks of medical complications.

F. Control of prisoners while transporting

Observation and Medical Assistance (TBP: 10.12.1)

1. During custody and transportation, officers shall continually observe the prisoner, even when it becomes necessary to allow the prisoner the use of a toilet.
2. If a prisoner appears lethargic, particularly after an active confrontation with officers, or appears unresponsive, immediate medical help may be necessary. Observe the suspect carefully and if the officer is in any doubt about the prisoner's health, summon medical assistance immediately. Officers should ask an apparently ill prisoner if he or she wishes medical assistance.
3. The transporting officer shall advise the receiving officer or deputy of any medical conditions of the prisoner, or any suspicions or concerns about the prisoner's medical or mental health state.
4. Prisoners shall not be left unattended at any time during transport with the exception of situations in Section G. below.

G. Stopping to provide law enforcement services while transporting

1. When transporting a prisoner, the transporting officer shall provide law-enforcement services only when:
 - a. A need exists for the transporting officer to act immediately in order stop or prevent a violent act and prevent further harm to a victim.
 - b. A person has been injured and assistance is required immediately.

2. In all of the above situations, the transporting officer shall ensure at all times that the prisoner is secured and protected.
3. Under no circumstances shall an officer transporting a prisoner engage in a pursuit.

H. Escape

If a prisoner escapes while being transported, the transporting officer shall observe the following procedures.

1. Request assistance immediately from the jurisdiction the officer is in at the time of the escape. The transporting officer shall immediately provide dispatch with the following information:
 - a. Location.
 - b. Direction and method of travel, and means of escape.
 - c. Name, physical description of escapee.
 - d. Possible weapons possessed by the escapee.
 - e. Pending charges.
2. Try to recapture the escapee as soon as possible.
 - a. The transporting officer shall submit a written report to the chief of police as soon as practicable explaining the circumstances of the escape.
3. Prisoner communication
 - a. The transporting officer shall not allow prisoners to communicate with other people while in transit unless the situation requires it. The officer shall use his or her judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

I. Arrival at destination

When transporting prisoners from one facility to another, upon arriving at the destination, the transporting officer shall observe the following procedures:

1. Firearms shall be secured in the designated place at the facility being entered. If there are none, secure firearms inside the locked trunk of the police vehicle.

2. Restraining devices shall be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
3. The proper paperwork (booking sheet, arrest report, property form, etc.) shall be submitted to the receiving facility and, in situations that require it, the officer shall ensure that proper signatures are obtained on paperwork to be returned to the department.

J. Sick/injured prisoners and medical facilities

1. At any time before, during, or after the arrest that the prisoner is injured or becomes sick, the officer shall seek medical attention immediately. Medical attention shall be obtained before transporting the prisoner to the jail if the injury/sickness happens before arrival there.
2. The transporting officer shall use discretion in applying restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be incapacitated, restraining devices may not be appropriate. As a rule, do not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.
3. If the prisoner refuses treatment, the prisoner shall be asked to sign a Medical Refusal or notation of such on a hospital release form. Have the attending physician or a nurse sign the form as witnesses. If the prisoner refuses to sign the form, obtain two witnesses to the refusal (hospital staff, another officer, or fire/rescue personnel). The form must be given to the jail during booking.
4. If the prisoner must be admitted to the hospital, the officer shall release the prisoner only after consulting the on-duty supervisor. The supervisor, in turn, shall consult the magistrate or the city judge. The supervisor shall observe the following procedures to ensure control of the prisoner:
 - a. If the prisoner is admitted and the prisoner was arrested for a felony, arrange for guards. Request the presence of a magistrate and arrange for the magistrate's transportation to the hospital so that bail can be set.
 - b. Assist the magistrate in arraigning the prisoner, if necessary, or stand by while the magistrate issues a warrant.
 - c. Serve the warrant, if one has been issued. If the magistrate will not release the arrestee on personal recognizance, then maintain the guard until the prisoner makes bond or the case is filed. When the case is filed attempt to transfer responsibility to the Sheriff's Office.
 - d. Until relieved by the sheriff's office, the supervisor shall brief every officer on the duties of guards and shall ensure that guards have radios.

- e. The supervisor shall ensure that guards are checked periodically and relieved as necessary until sheriff's deputies relieve them.
- f. The prisoner shall be kept under observation at all times and, normally, restraining devices shall be used. Officers shall consult with medical personnel concerning the use of restraining devices.

K. Special transport problems

1. Transport of prisoner by officer of different sex than prisoner.
 - A. Contact the dispatcher by radio and request that the time and odometer mileage be logged.
 - B. Go directly to the destination by using the shortest practical route.
 - C. Upon arrival at the destination, contact the dispatcher by radio and request that the time and the odometer reading be logged.

L. Prisoner with disabilities

1. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport conveniently, comfortably, and safely for both the prisoner and the officer. The officer may request the dispatcher to contact the fire department or ambulance for assistance in transporting. The transporting officer shall take whatever special equipment or medicine is necessary for the prisoner.
2. With a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or officer exists, then restraining devices may be inappropriate.
3. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.
4. Transportation of dangerous/security-risk prisoners. When a prisoner is considered dangerous or a security hazard, the receiving agency or the sheriff's courtroom security personnel shall be notified before the transport takes place in order to plan how best to minimize any chance of escape, or injury to the prisoner or anyone else.


M. Restraining devices

1. When prisoners are restrained during transport, the following procedures shall be followed unless circumstances require an alternate method.

- a. A single prisoner shall be handcuffed with both hands behind his or her back.
- b. Leg and waist belt restraints may also be used in order to minimize the risk of injury or escape.
- c. Under no circumstances shall a prisoner be handcuffed to a part of the transport vehicle itself, such as the floor post, protective screen barrier, etc.
- d. Officers shall use ankle shackles or plastic handcuffs to immobilize legs when transporting any prisoner that might pose an escape risk.

N. Documentation

Officers shall document all prisoner transports and shall note any unusual circumstances or events in the arrest report. Officers shall document the circumstances of any apparently ill or injured prisoners and their medical treatment. Officers will give names (and badge numbers, as appropriate) of personnel from and to whom the prisoner was released or transferred.

	BRENHAM POLICE DEPARTMENT	
	Policy 7.12 Juvenile Procedures	
	Effective Date: 7/15/2011	Revised: 04/14/2021
	Approved: Ron Parker Chief of Police	
	Reference: TBP 10.02.1 and 10.03.1	

I. POLICY

The department's interests concerning juvenile offenders reflect those of the community: to prevent and control juvenile delinquency. The department expects officers to handle juveniles consistent with common sense and the dictates of state law. The department's policy includes the identification, apprehension, and conviction of juveniles charged with crimes. Accordingly, officers may handle errant juveniles informally, particularly status offenders, those in need of protection, and those suspected of committing minor criminal offenses. In case of minor or status offenses, officers should divert juveniles from the formal criminal justice process, and instead choose community referral.

II. PURPOSE

To establish guidelines and procedures for handling juveniles who are in need of protection, in violation of status offenses and those charged with criminal offenses.

III. DEFINITIONS

- A. Child (Juvenile): A person who is ten years of age or older and less than seventeen years of age.
- B. Conduct in Need of Supervision: Conduct, other than a traffic offense, that violates the penal laws of the state punishable by fine only, or violations of municipal ordinances, and runaway.
- C. Delinquent Conduct: Conduct, other than a traffic offense (except DWI) that violates the penal laws of this state or the United States punishable by imprisonment or confinement in jail.
- D. Delinquent child: A child who has committed a delinquent act or an adult who had committed a delinquent act prior to his or her 17th birthday.

- E. Juvenile Probation 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.
- F. Juvenile court: The Court designated under Family Code 51.04 to exercise jurisdiction over juvenile proceedings within the county. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.
 - 1. All juvenile offenses occurring in the city of Brenham are heard in either Brenham Municipal Court or the Criminal Court of Law located at the Washington County Court House.
- G. Referral to Juvenile Court: The referral of a child's case to the official, including the Juvenile Probation Officer, designated by the Juvenile Board to process children within the Juvenile Justice System.
- H. Status Offender: A juvenile who is charged with an offense that would not be a crime if committed by an adult.
- I. Responsible Adult: In the absence of a juvenile's parents or legal guardian, a responsible adult is one who is responsible for the physical custodian of a juvenile or who is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile until parents, legal guardian or next of kin can assume that responsibility.
- J. Juvenile Processing Office: The office or location within the Police Department or school facility, approved by the Juvenile Court, for the temporary detention of juveniles while officers complete required activities prior to releasing the juvenile to a parent or transferring the juvenile to the Juvenile Detention Center. The Brenham Independent School District has two locations listed as JPO's. The School Resources Officer's office's located at 525 A. H. Ehrig Dr and 1200 Carlee Dr, Brenham, Texas.

IV. PROCEDURES – General (TBP: 10.02.1)

A. Overview

- 1. All members of the department shall cooperate with juvenile justice authorities and their support activities.
- 2. Juveniles have all the same constitutional rights as do adults and all requirements for protection of those rights apply to juveniles as well as adults. Additional rules are prescribed by the Texas Family Code. All department personnel are responsible for following the Family Code and this order.

B. Handling of juvenile offenders - general

1. A juvenile offender shall be handled with firmness and respect.
2. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record. The juvenile justice system emphasizes confidentiality of records and the privacy of an adjudicatory hearing. Where appropriate, officers shall reasonably try to keep juveniles out of the criminal justice system.
3. All investigative detentions and enforcement actions involving juveniles will be documented, either by use of a written warning, citation, and incident or offense report. If a written warning or citation is issued and the circumstances of the contact are recorded on the form, no incident report is required. If no written warning or citation was issued, an incident or offense report will be generated to document the contact and actions taken. If possible, all contacts with juveniles will be recorded as best possible on the in-car audio/video system.
 - a. If the juvenile is currently at public school or attending a school extracurricular function a Municipal Court referral will be completed in lieu of a citation.

C. Authority for Taking a Child into Custody

1. Section 52.01 of the Family Code allows police officers to take children into custody:
 - a. Pursuant to an order of the Juvenile Court;
 - b. Pursuant to the laws of arrest;
 - c. For conduct which violates a penal law of this state or a municipal ordinance;
 - d. For Delinquent Conduct or Conduct Indicating a Need for Supervision, and runaway;
 - e. Pursuant to a Directive to Apprehend.
2. The section also authorizes officers to release a juvenile with a warning in lieu of custody. If the child is released with a warning it is necessary to forward a copy of the warning to the parent, and to juvenile probation with a completed report.
3. In making the decision to handle the juvenile either informally with a warning or formally by referral to the Juvenile Court, the officer shall consider the following:
 - a. Seriousness of offenses.
 - b. Prior record of child.

- c. Child's age. (10 – 16)
- d. Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated.
- e. Degree of wrongful intent, violence, premeditation, knowledge of violation.

D. Enforcement Alternatives

1. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion as outlined in this policy in deciding on appropriate actions. Alternatives that may be considered include the following , listed in order of severity:
 - a. release without further action, release with verbal warning, referral to parents or responsible adult, or informal counseling with contact of parents or responsible adult;
 - b. field release with written warning or citation, limited custody and station house warning, arrest under non-secure custody, and release to parents with or without referral to Juvenile Court or First offender Program; and
 - c. arrest and secure custody, with transfer to detention and referral to Juvenile Court.
2. Enforcement criteria for the use of these alternatives are provided below.
3. Even when a juvenile is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation.
4. In all cases where a juvenile is believed to have committed a violation, regardless of the disposition, officers shall make every reasonable attempt to notify parents or guardians and inform them of the circumstances of the contact.

V. ENFORCEMENT CRITERIA

- A. The following general guidelines may be used in determining appropriate enforcement and related actions that may be taken when dealing with juvenile incidents.
 1. Release without further action, release with verbal warning, referral to parents or responsible adult, or informal counseling with contact of parents or responsible adult.
 - a. Appropriate in incidents where no violation was determined or where the violation was very minor and officers explained the law and consequences.
 - i. No property damage or personal injury was involved

- ii. No prior record
 - iii. May include contact with parent if appropriate. Examples of these incidents include, but are not limited to 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 Patrol Secretary 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 or offense report and forward it to the Patrol Secretary for mailing to the parents/guardians.
- 2. Field release with written warning or citation, or limited custody and station house warning, arrest under non-secure custody and release to parents with or without referral to Juvenile Court or First Offender Program.
 - a. Officers may elect to transport the youth home, make personal or telephone contact with the youth's parents or guardians to provide them with information and counseling on their child's actions, or take the youth into custody and transport the youth to the Juvenile Processing Office until he is released to a parent or guardian.
 - i. Appropriate when the nature of the incident is of a more serious or potentially serious nature than in section 1 above;
 - ii. There was property damage or minor injury not amounting to a felony;
 - iii. The youth involved is fully aware of the seriousness or potential seriousness of his/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:
 - i. acts that if committed by an adult would be felonies;
 - ii. delinquent acts involving deadly weapons;
 - iii. serious gang-related offenses;
 - iv. delinquent acts involving serious assault;
 - v. delinquent acts while on probation or parole or when they have charges pending against them;
 - vi. delinquent acts as repeat offenders or when they have refused to participate in diversion or intervention programs;
or
 - vii. when it has been determined that parental or other adult supervision is ineffective.

4. Status Offenses. Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile and other relevant factors, an officer may release a juvenile to his parents, guardian or other responsible adult.
 - a. Juveniles taken into custody for status offenses should normally be frisked for weapons prior to being transported and may be handcuffed or otherwise restrained at any time if, in the judgment of the officer, the juvenile poses a physical risk to the officer or others.
 - b. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.
 - c. Juveniles taken into custody for status offenses shall be held in non-secure custody as provided by state law and for the briefest time necessary to conduct identification, investigation and related processing requirements to facilitate their release to a parent or responsible adult or transfer to a juvenile facility.
 - d. Transportation of a juvenile in a caged vehicle is not considered secure custody.
 - e. Status offenders and other juveniles taken into temporary non-secure custody for status offenses should not be fingerprinted or photographed for purposes of record.
 - f. Status offenders in temporary custody shall not be placed in a holding area with adult suspects and shall also be under constant visual supervision; afforded reasonable access to toilets and washing facilities; provided food if in need of nourishment to include any special diets necessary for health or medical purposes; provided with reasonable access to water or other beverages; and allowed reasonable access to a telephone.

VI. JUVENILE PROCESSING

A. Searching and Transportation of juveniles

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

B. Actions when taking a juvenile into Custody

1. A person taking a child into custody shall advise the juvenile of his/her constitutional rights when appropriate.
2. Without unnecessary delay and without first taking the child elsewhere, the officer does one of the following:
 - a. Release the child to his/her parent, guardian, custodian, or other responsible adult upon that person's promise to bring the child before the Juvenile Court when requested by the court;
 - b. Bring the child to a Juvenile Processing Office designated by the Juvenile Court;
 - c. Bring the child before the office or official designated by the Juvenile Court;
 - d. Bring the child to a medical facility if the child is believed to suffer from a serious physical condition, illness, injury or mental condition that requires prompt treatment;
 - e. Referral of the child and/or parent, guardian or custodian to the appropriate social agency;
 - f. Take the juvenile into protective custody if the officer believes the juvenile is in danger of harm; or

- g. Release the child with no further action pending.

C. Notifications:

1. The arresting officer shall promptly notify the juvenile's parents or guardians of the fact that the child has been taken into custody. In the case of protective custody, the notice must be written as prescribed by the Texas Family Code.
2. Notification of the parents or attempts at notification shall be documented in the arrest report.
3. The Juvenile Probation Department will be notified of all Felony cases that involve a Juvenile.

D. Designated Juvenile Processing Area:

1. A juvenile may be detained in a holding area certified by the Juvenile Court. The Brenham Police Department approved Juvenile Processing Office is the juvenile holding cells and the School Resources Officer's office's located at 525 A. H. Ehrig Dr., and 1200 Carlee Dr., Brenham, Texas
2. Juveniles are detained under the following conditions:
 - a. At no time is a juvenile placed in a jail cell designated for the holding or incarceration of an adult.
 - b. At no time will a juvenile who is in custody be left unsupervised in the juvenile holding area.
 - c. All juveniles held in the Juvenile Processing Office are out of sight and sound of adult prisoners.
 - d. No juvenile is held in custody longer than is reasonable to conduct an investigation, prepare a case, or to await the arrival of a parent or guardian.
 - e. At no time will a juvenile be held in the Juvenile Processing Office longer than six hours. If not otherwise released, the juvenile will be taken to the Juvenile Detention facility within 6 hours of an arrest.

E. Taking a Runaway into custody

When probable cause exists that a juvenile has run away from home, the officer shall perform the following:

1. Verify status as runaway
2. Take the child into custody.
3. Release the juvenile to a parent, guardian, legal custodian, or other person acting for a parent. If a parent cannot be located, take the juvenile to the juvenile processing office and make contact with the Juvenile Probation Officer for instructions.
 - a. Prior to being released to a parent, guardian, legal custodian, or other person acting for a parent; juvenile probation must be contacted.
4. The Juvenile Processing Office may not be locked when holding status offenders. An officer will remain with the juvenile until disposition is made.
5. Notify Communications to remove the runaway report from the computer system.
 - a. A departmental memo will need to be completed to remove the juvenile from TCIC/NCIC.
6. In any event, officers shall complete incident or offense reports for any runways taken into custody.
7. Out-of-town runaways, take the child into custody and verify runaway status with the other jurisdiction. If a detention order is on file, follow the instructions for serving a detention order.
 - a. Notify the intake officer of the juvenile court of the action taken. The intake officer will then determine what the next step will be. The officer shall:
 - i. Follow the intake officer's instructions for detention or child placement.
 - ii. Notify parents that the child is in custody.
 - iii. If the child is to be released and the parents cannot respond within a reasonable period of time, then either contact a runaway house, if appropriate in your jurisdiction, or arrange to detain the juvenile.

VII. PROTECTIVE CUSTODY

A. A law enforcement officer may take protective custody of a child without a court order for the following reasons and no others:

1. Upon discovery of a child in a situation of danger to the child's physical health or safety when the sole purpose is to deliver the child without unnecessary delay to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is presently entitled to possession of the child.
2. Upon the voluntary delivery of the child, by the parent, managing conservator, guardian, caretaker, or custodian who is entitled to possession of the child.
3. Upon personal knowledge of facts which would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or writ.
4. Upon information furnished by another which has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that there is an immediate danger to the physical health or safety of the child and that there is no time to obtain a temporary restraining order or writ.
5. Upon personal knowledge of facts that would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a temporary restraining order or writ.
6. Upon information furnished by another that has been corroborated by personal knowledge of facts and all of which taken together would lead a person of ordinary prudence and caution to believe that the child has been the victim of sexual abuse and that there is no time to obtain a temporary restraining order or writ.

B. Emergency Treatment For Juveniles

1. In the absence of the responsible parent or guardian, police officers are expected to immediately take custody of any juvenile found to be in need of emergency medical care and contact EMS services so the child can receive immediate care.

C. Procedures To Take Custody Of The Juvenile

1. When it is found that a juvenile has been injured or is ill to the extent that immediate emergency care is necessary to protect the physical well-being of the juvenile and no responsible parent or guardian can be found, the below listed procedures are followed to obtain the necessary medical care in an expedient manner:

- a. The officer takes custody of the juvenile requests an ambulance and orders the juvenile taken to the nearest competent emergency hospital.
- b. The officer utilizes all available resources to immediately contact a parent or guardian (school officials, etc).
- c. The officer then causes the immediate notification of the Child Protective Services office of the circumstances at hand and furnishes the Child Protective Services office the following information:
 - i. Name, race, and date of birth of the juvenile,
 - ii. Parent's name and address if available,
 - iii. What hospital the juvenile has been taken,
 - iv. What efforts have been made to contact the child's parents or guardian,
- d. A case or incident report must be completed

2. Follow-Up Investigation:

- a. The officer conducts a follow-up investigation at the receiving hospital, being sure to explain the circumstances at hand to the proper hospital representative.
- b. The Criminal Investigation Division is available to take over hospital follow-up investigations when it becomes apparent that such investigations will be lengthy or complex.
- c. The Criminal Investigations Division will follow-up if it becomes apparent that the child's injury is due to criminal conduct on the part of any person.

D. Persons Who May Consent To Medical Treatment:

The Texas Family Code allows any of the following persons to consent to medical, dental, psychological, and surgical treatment of a child when the person having the right to consent as otherwise provided by law cannot be contacted and that person has not given actual notice to the contrary:

- 1. A grandparent, adult brother or sister, adult aunt or uncle of the child; an educational institution in which the child is enrolled that has received written authorization to consent from the person, an adult who has actual care, control, and possession of the child and has written authorization to consent from the person having the right to consent.

2. A peace officer who has lawfully taken custody of a minor, if the peace officer has reasonable grounds to believe the minor is in need of immediate medical treatment, or
3. Any court having jurisdiction over the child.

VIII. INVESTIGATIVE PROCEDURES

A. Custodial Interrogation Of Juveniles

1. Custodial interrogation of juveniles by Department employees shall adhere strictly to procedural requirements established by the Texas Family Code and relevant court rulings.
2. The custodial officer or a detective interviews the juvenile. The officer explains to the juvenile the procedures that will relate to their case. The officer or detective may, at their discretion, allow other persons to be present during the interview. An attorney representing the child is allowed if requested.
3. The interrogation of a juvenile is completed within a reasonable time or terminated if the juvenile requests the interrogation be terminated.

B. Written Confessions/Statements:

Officers will follow the procedure outlined below while taking written statements/confessions from juveniles:

1. Written confessions are taken in compliance with the Texas Family Code.
2. A magistrate, outside the presence of law enforcement officers, first warns the juvenile.
3. An officer then takes the typed or handwritten statement, but leaves the statement unsigned.
4. The officer then returns the juvenile and the statement to the magistrate.
5. The magistrate will review the statement with the juvenile outside the presence of law enforcement officers.
6. The juvenile is then allowed to sign the statement in the magistrate's presence.

C. Fingerprinting And Photographing Juveniles:

1. Fingerprints and photographs of juveniles are maintained separately from those of adults.
2. Fingerprints and photographs of juveniles are destroyed as directed by the Texas Family Code.

3. Fingerprints are taken to comply with state reporting requirements. All juveniles placed in custody for cases classified as class “B” misdemeanor or higher are fingerprinted and photographed. These records are maintained at the County Juvenile Detention Center and also in the State files.
4. If latent fingerprints are found during the investigation of a case and the law enforcement officer has probable cause to believe that they are those of a particular child, unless otherwise prohibited by law, the officer may fingerprint the child regardless of the age or case for purpose of immediate comparison with the latent fingerprints.
5. Disposition of Fingerprints Taken: If the comparison is negative the fingerprint card and other copies of the fingerprints taken are destroyed immediately. If the comparison is positive and the child is referred to the Juvenile Court, the fingerprint card and other copies of the fingerprints are filed locally and with the State. If the child is not referred to the Court the fingerprints taken are destroyed immediately.

D. Required Notification of Schools

1. Officers that arrests or takes into custody an individual that, because of age, may be enrolled in a primary or secondary school, as provided by Chapter 52, Family Code shall;
 - a. Attempt to determine if the individual is a student.
 - i. If the individual is known to or believed to be enrolled in a school mentioned above, and
 - ii. The child’s alleged offense is an offense under section: 19.02, 19.03, 19.04, 19.05, 20.02, 20.03, 20.04, 21.08, 21.11, 22.01, 22.011, 22.02, 22.021, 22.04, 22.05, 22.07, 28.02, 29.02, 29.03, 30.02, or 71.02, Penal Code, or
 - iii. The Unlawful Use, Sale or Possession of a Controlled Substance, Drug Paraphernalia, or Marijuana, as defined by Chapter 481, Health and Safety Code; or
 - iv. The Unlawful Possession of any of the Weapons or Devices listed in Section 46.01(1)-(14) or (16), Penal Code; or a Weapon listed as a Prohibited Weapon under Section 46.05, Penal Code; or
 - v. Any felony offense.


- b. If the individual meets these requirements the officer or detective assigned shall give oral notification to the Superintendent or the designee of the public school district within 24 hours after the arrest of detention of a child, or on the next school day.

or

- c. Written notification shall be mailed within seven (7) days after the date of oral notification to the appropriate afore mentioned school official, marked “Personal and Confidential” on the mailing envelope.
- 2. The complete text of this responsibility is found in Article 15.27 Code of Criminal Procedures.

E. Juvenile Records

All juvenile records are maintained separately from adult records and are stored securely in the Records Section.

	BREHAM POLICE DEPARTMENT	
	Policy 7.13 Domestic Violence and Protective Orders	
	Effective Date: 7/15/2011	Revised: 09/29/2020
	Approved:	Ron Parker Chief of Police
	Reference: TBP: 7.08.1	

I. POLICY

The department assigns domestic or family violence (domestic disturbance) calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership in the community in responding to domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, department personnel responding to a domestic disturbance call shall (1) restore order; (2) arrest persons when probable cause exists that a crime has occurred; (3) provide safety and security for the crime victim(s); and, (4) help participants contact appropriate agencies to help prevent future occurrences.

II. PURPOSE

To define domestic violence and related offenses, outline a safe procedure for handling violent incidents and calls, describe measures to end violence and protect victims.

III. DEFINITIONS

A. Assault

Intentionally, knowingly, or recklessly causes bodily injury to another including the person's spouse or threatens to cause imminent bodily injury to another including the person's spouse. This definition is not all inclusive as family violence may also entail aggravated circumstances, sexual assault, as well as other offenses. See Chapter 22 and 25 of the Texas Penal Code.

B. Domestic violence shelters/programs

Services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.

C. Family abuse

Any threat or act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of bodily injury, and is committed by a person against such person's family or household member.

D. Family or household member

1. Spouses, whether or not residing in the same home.
2. Former spouses, whether or not residing in the same home.
3. Persons who have a child in common, whether or not they have ever been married or resided together.
4. Parents, children, stepparents, stepchildren, grandparents, grandchildren, brothers and sisters, half-brothers and half-sisters regardless of whether they reside in the same home with the suspect.
5. Parents-in-law, children-in-law, brothers- and sisters-in-law regardless of whether they reside in the same home with the suspect.
6. Persons, whether or not related, who cohabit or who previously cohabited with the suspect, and any children of either who then resided in the same home as the suspect.
7. (See Sections 71.003, 71.004, and 71.005 of the Family Code.

E. Protective order

A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, provide temporary child support, plus other measures. A protective order may be valid up to two years. Types of protective orders:

1. Emergency protective order
2. Protective order
3. Temporary Ex Parte Orders: an order that is issued without the person who committed family violence present; a person subject to an order (the actor) who violates an ex parte order may not be arrested unless it is established the actor had been served with the order prior to the commission of the act(s) violating the order. In the event that an officer

arrives and the actor is not aware of the order, the officer may assist the protected person in informing the actor subject of the existence of the order. The officer shall then remain at the scene until the actor has complied with any wording that requires 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 number of the District Attorney and the investigating law enforcement agency. Where possible, officers shall help victims directly access referral agencies.
- B. Department personnel shall be trained about domestic violence and its impact. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding officers. Officers are encouraged to consult community resources such as the local domestic violence shelter and the local victim/witness advocacy program.

V. PROCEDURES - Patrol responsibilities

- A. Arrival at the scene
 - 1. Obtain all available information from the dispatcher before arrival.
 - 2. When possible, officers should wait for back-up help, discuss a strategy, and approach the dispute scene in pairs.
- B. Avoid the use of sirens and other alarms in the vicinity of the scene. The suspect might be dangerous and could turn a weapon on arriving officers.
- C. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.

- D. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).
- E. Officers must be concerned for their own safety as well as the disputants'. To minimize the possibility of injury, stand to the side of the door and not in front of windows when knocking. The unexpected may occur when the door opens.
 - 1. Initial contact with occupant(s).
 - a. Identify selves as law enforcement officers by name, give an explanation of your presence, and request entry into the home (when conditions permit). Ascertain identity of complainant, and ask to see him or her and any other person at the home.
 - b. Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further. Officers shall not leave without interviewing the complainant.
 - c. If entry is refused, officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish voice contact by shouting for an answer.
 - d. Refusal of entry or no response to a knock at the door may require a forced entrance only if officers have a reasonable belief that the safety of people inside is in jeopardy.
 - e. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent. However, the other, if present, may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.
 - f. A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants. If both are present, either one may legally object. Once a party refuses consent, officers must obtain a warrant to search or articulate another exception to the warrant requirement.
- F. Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such an emergency does exist

(example: officers believe that someone, perhaps the victim or a child, is in need of emergency assistance).

1. Officers shall evaluate the following elements when considering a warrantless entry:
 - a. The degree of urgency involved and the time required to get a warrant.
 - b. The possibility of danger to others, including officers left to guard the site.
 - c. Whether the suspected offense is serious or involves violence.
 - d. Whether officers reasonably believe that persons may be armed.
 - e. Finally, officers are reminded that they have a lawful right and duty to investigate any situation which they reasonably believe to be an emergency.

2. Once inside, establish control by:
 - a. Inquiring about the nature of the dispute.
 - b. Identifying disputants.
 - c. Being aware of potential weapons in surroundings.
 - d. Determining if persons are in other rooms, whether children or adults, and the extent of any injuries (these persons should be separated from the parties involved and kept out of hearing range so their status as possible witnesses won't be compromised).
 - e. Protect the victim from further abuse. Separate the victim from the suspect and arrange for medical attention if victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Photograph the victim's injuries if possible.
 - f. Ascertain whether a protective order has been violated.
 - g. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If appropriate, seize weapons for evidence.

6. Forced sexual contact against victim's will.
 7. Any court cases pending against suspect or any protective orders in effect.
 8. Inquire if the suspect is on probation or parole.
 9. Inquire if the suspect threatened others, particularly children, damage property, or hurt pets.
- I. Interviewing witnesses
1. Interview any witnesses to the incident--children, other family members, neighbors--as soon as possible.
 2. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
 3. If witnesses provide information about prior assaults, document them to help establish a pattern.
 4. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted.

J. Collection of Evidence

Officers should ensure they treat a family violence offense with the same seriousness as other criminal offenses and conduct a preliminary investigation in the same manner to include:

1. Collecting any physical evidence or calling Crime Scene personnel to do so.
2. Photograph any damages or injuries received by any parties.

VI. 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.
- B. If officers cannot identify a predominant physical aggressor and do not make an arrest, they shall nevertheless thoroughly document the incident. Further,

officers shall not threaten to arrest all parties involved for the purpose of discouraging future requests for law enforcement intervention.

- C. In cases where the conditions of a protective order have been violated, officers shall review the victim's copy of the order, checking it for validity. If a protective order exists and its terms ("no contact," "no trespass," or "no further abuse") are violated then the officer shall arrest the violator if probable cause exists.
- D. Officers making arrests for family violence may petition for an emergency protective order if so requested by the victim or if the officer believes there is a significant danger of future assaults.
- E. If children are involved in the incident, officers shall contact the on-call Child Protective Services worker if a child is abused or neither parent can reasonably look after the child's safety and well-being (neglect is a separate, reportable offense).
- F. In determining probable cause, the officer shall not consider:
 - 1. Whether the parties are married or living together, or their race, sex, ethnicity, social class, or sexual orientation.
 - 2. Whether the complainant has not sought or obtained a protective order.
 - 3. The officer's own preference to reconcile the parties despite the complainant's insistence that an arrest be made.
 - 4. That the complainant has called for law enforcement protection previously and has not pursued or has withdrawn the criminal complaint against the abuser.
 - 5. That the complainant has not begun divorce proceedings.
 - 6. Assurances of either disputant that violence will stop.
 - 7. The lack of visible bruises or injuries.
 - 8. Denial by either disputant that violence occurred.
- G. Factors favoring the decision to arrest
 - 1. Arrest is the most appropriate response when these factors are present:
 - a. Serious, intense conflict.

- b. Use of a weapon.
- c. Previous injury or damage.
- d. Previous court appearance against the offending party.
- e. Previous attempt to sever the relationship.
- f. Previous calls for law enforcement help.
- g. When a felony has occurred.
- h. Evidence of drugs or alcohol use at the assault.
- i. Offenses committed with the officer present.
- j. Valid warrants on file for other crimes.
- k. A protective order has been violated.
- l. Aggressive behavior toward anyone, pets, or any other threatening behavior.

H. Making the arrest

- 1. Arrest the suspect if he or she is present, apply handcuffs, inform him or her that the decision to arrest is a law enforcement one, and transport securely to the jail/magistrate.
- 2. If the suspect is absent or has been arrested, transport (or arrange transportation for) the victim to a safe shelter or other appropriate place. Circulate a "be-on-the-lookout" message describing the suspect if necessary 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 it is still current.

I. If the abusive person is not arrested:

- 1. Complete an incident/offense report.

2. Inform the victim that the department will begin proceeding to procure a warrant for the offender if the investigation reveals an offense occurred.
3. Advise the victim of the importance of preserving evidence.
4. Explain to the victim about protective orders and how to obtain them and offer to help the victim obtain them later.
5. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers.
6. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency.
7. Assure the victim that the Brenham Police Department shall assist in future emergencies and explain measures for enhancing his or her own safety.

J. Gathering evidence:

1. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate an attack, and the crime scene itself.
2. The victim's account of injuries sustained should be corroborated by a physician if possible.
 - a. When feasible, take photographs of injuries. In addition, when possible utilize body and in-car cameras to capture statements and physical evidence.
3. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it.
4. Collect evidence according to the same principles as applied to any crime scene.
5. Seize any weapons that the predominant physical aggressor used or threatened to use in the commission of any crime

6. Obtain statements from all witnesses, particularly noting any excited utterances that bear on the incident.
- K. Documenting the incident
1. All incident reports on domestic violence shall follow general reporting procedures.
 2. Include in all reports of domestic violence:
 - a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor.
 - b. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member.
 - c. The victim's statements as to the number of prior calls for law enforcement assistance.
- L. The disposition of the investigation.
1. In any case involving domestic violence thoroughly document probable cause to arrest.
 2. If an arrest is not made for domestic violence the incident must still be documented, where either no probable cause existed, or circumstances dictated another course of action. In such cases, in addition to the above considerations, officers shall note:
 - a. What referral information was given.
 - b. The name of any counselor contacted.
 - c. Why no arrest was made, nor any warrant issued.
 3. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services
 4. Regardless of whether an arrest is made, the officer shall provide the "Notice to Adult Victims of Family Violence" to the victim, which explains legal and community resources available, including the name, address and telephone number of the District Attorney and the investigating law enforcement agency.
- M. Arrests of law enforcement personnel

1. If the predominant physical aggressor or abuser is an employee of this agency, the responding officer shall summon the field supervisor, who shall in turn notify his or 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 may assign an officer to undertake an internal administrative investigation into the incident consistent with Policy 2.4. 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 designated quartermaster.
 - b. If the internal administrative investigation supports a violation of agency policy, the Chief of Police shall take appropriate action consistent with Policy 2.5. Further, if the investigation confirms that domestic violence occurred, the Chief of Police may require counseling, psychological evaluation, demotion, or termination of employment.
 - c. Federal law states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use of, attempted use of physical

force, or the threatened use of a deadly weapon when committed by a current or former spouse, parent or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving weapons or threats of force may therefore be unable to maintain their certification.

- d. Note that officers who are the subject of a protective order shall not carry firearms. Officers who are the subject of a protective order shall turn in all agency-issued weapons.

VII. PROCEDURES - Issuing an emergency protective order


A. Emergency protective orders (EPO) (domestic violence)

1. The EPO aims to protect the health or safety of a victim of domestic violence. It is issued only if the offender is arrested. The judge or magistrate who arraigns the offender after the arrest may issue the EPO on the magistrates own initiative, upon request of the victim, the guardian of the victim, a peace officer, or an attorney representing the state. If an officer has at least a reasonable belief that an assault has occurred and there exists probable danger of further abuse, the officer shall request the judge or magistrate to issue an EPO.
 - a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he or 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 possessing a firearm, and provide other relief.
2. An officer can petition for an EPO by telephone or in person.
3. The EPO remains in effect for up to 61 days but not less than 31 days. The victim can petition for a permanent protective order before the expiration of an EPO. In the event of use or display of a weapon (Art. 17.292) The EPO will remain in effect up to the 91st day.

4. The offender is served with a copy of the order at the time of arraignment. The victim will be contacted and informed that an EPO has been issued and will be provide with a copy and informed of its requirements.
5. A copy is also delivered to the Chief of Police and communications center for the jurisdiction where the victim resides.

B. Protective Orders from Other States

Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in Texas. This applies to all orders in which the respondent has received notice and opportunity to attend a protective order hearing. Enforcement of out-of-state protective orders does not require that they be registered in Texas. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it.

	BRENHAM POLICE DEPARTMENT	
	Policy 7.16 Vehicle Impoundment and Inventory	
	Effective Date: 07/24/2014	Revised date: 04/12/2021
	Approved: Ron Parker Chief of Police	
	Reference:	

I. POLICY

A motor vehicle is an important piece of personal property that must be properly managed and supervised if it enters police custody. Abandoned vehicles constitute a public nuisance, a hazard to traffic, and members of our community view their removal as an essential police service. Likewise, vehicles involved in accidents or crimes may require towing and inventorying for evidentiary purposes. 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 next up rotation wrecker if there is a traffic hazard and an individual's tow company cannot arrive in a timely manner.

II. PURPOSE

To establish procedures for towing and inventory of vehicles.

III. AUTHORITY TO TOW

A. Accident

1. Any vehicle involved in an accident shall be removed to the shoulder of the road or elsewhere as soon as possible after officers have obtained necessary investigative information.
2. Vehicles may be removed to the shoulder of the road or other legal parking spot which does not obstruct or impede vehicle travel on the roadway. Officers will not use departmental vehicles to push cars.
3. If the procedure above is not possible and a traffic hazard results, the officer may order towing of the vehicle at the owner's expense.
4. Vehicles may be impounded if the vehicle is needed for purposes of the investigation following a vehicle crash. Such cases may but do not necessarily involve custody of the operator.

5. Following motor vehicle crashes, an officer may request impoundment when the operator is unwilling or unable to take charge of the vehicle, and
 - a. The vehicle cannot be legally parked and sufficiently secured at the scene, or
 - b. There is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.

B. Emergency

Any vehicle found illegally parked in the vicinity of a fire, traffic accident or area of emergency which creates a traffic hazard or interferes with the necessary work of police, fire, or other rescue workers may be towed on an officer's orders at the owner's expense. Vehicles used by radio, T.V., and press are exempt unless they obstruct police, fire, or rescue operations, or creates an unreasonable traffic hazard.

C. Impeding/danger to traffic

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others, except in cases of mechanical breakdown or accident. If a disabled vehicle is not promptly removed and creates a traffic hazard, the officer may order the vehicle towed at the owner's expense.

D. State/county/municipal vehicles

Paragraphs A, B, and C above shall not apply to any vehicle owned or controlled by the state or a local unit of government while actually engaged in construction or highway maintenance.

E. Unattended traffic hazard/violation of law

Officers may tow any unattended motor vehicle found on a public street or grounds that constitutes a traffic hazard or is parked in such a manner as to be in violation of the law.

F. Abandoned vehicle

1. Whenever any motor vehicle is abandoned upon public property for more than 48 hours, the officer may order it towed at the owner's expense.
2. Unattended on a designated county, city, state or federal highway for more than 48 hours.
3. 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 or a valid state

inspection, and it has been left unattended on public property (other than an interstate or primary highway) for more than 48 hours.

4. Abandoned vehicle tows will only be conducted Monday – Friday from 8am – 5pm excluding holidays. Unless an emergency circumstance is present.

G. Removal from private property

1. No removal shall be ordered from private property.
2. Property or business owners may act immediately to have vehicles towed which are occupying a lot, area, space, building or part thereof without their permission.

H. Evidence/crime involvement

1. Upon supervisory approval, vehicles that are of an evidentiary value or involved in the commission of a crime shall be towed at the request of the officer to [specify location] at department expense (Ref. C.O.B. Towing Contract).
2. Impoundment of stolen vehicles or suspected stolen vehicles is appropriate when the following circumstances exist:
 - a. The owner cannot be contacted,
 - b. The owner is contacted and cannot or will not respond in a reasonable amount of time, or
 - c. Immediate removal is necessary for safety reasons or purposes of safekeeping.
 - d. Officers should document reasonable efforts to contact owners with means readily available. Towing of reported stolen vehicles is at the owner's expense.

I. Prisoner's vehicles

1. Vehicles belonging to arrested persons, if left at the scene of the arrest may be at substantial risk of theft or damage to the vehicle or personal property contained therein. It is therefore the policy of this department to tow all prisoner's vehicles to an impound lot at the owner's expense for protection of the vehicle, unless:
 - a. There is a friend or relative at the scene, and the arrestee wishes to release the vehicle to them, they possess a current drivers license, and the arrestee consents to the release either in writing or on the audio/video in-car recording system.

- b. The 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. Officers will document noting the location said vehicle is to be left at and it was left at the arrestee request. The arrestee will sign said inventory releasing the department of any and all responsibility.
2. The officer may tow the vehicle 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 such period of time necessary to complete evidence collection.
 - a. Holds on vehicles must be approved by a Sergeant or above.
 - b. Investigating officers shall complete their investigation of the vehicle in a timely manner so that it can be released to the owner (Ref. C.O.B. Towing Contract)

J. Impoundment for Forfeiture

Officers may impound a motor vehicle with the intent of initiating forfeiture proceedings when the vehicle is used in the commission of a crime as specified by state law. Officers should contact a supervisor before initiating forfeiture proceedings and shall follow forfeiture procedures as provided by this agency.

Officers may drive or have towed vehicles seized for forfeiture to a designated secured facility established by the Brenham Police Department.

IV. TOWING PROCEDURES

- A. Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance, (e.g., not as a form of punishment, or as a means of conducting vehicle searches when probable cause does not exist or consent to search cannot be obtained).

- B. When impoundments are ordered, the operator and any passengers should not be stranded. Officers shall take those measures necessary to ensure that the operator and any passengers of the vehicle are provided transportation to a public place to await transportation.
- C. Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be noted on the appropriate reporting document.
- D. Officers shall know under which provisions (subparagraphs A-L above) and laws the vehicle shall be towed.
- E. If possible, use the vehicle owner's or operator's choice of towing company.
 - 1. With the exception of an arrest.
- 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 rotation wrecker.
- G. In an emergency involving major traffic congestion due to a disabled vehicle, the officer shall so notify the dispatcher and shall request a wrecker.
- H. If the vehicle involved in an emergency is larger than the normal passenger vehicle or pickup size, the officer shall so advise the dispatcher who has a separate list of specially equipped wrecker services.
- I. Dispatchers shall log each instance of calling a tow service. The dispatcher shall log the time he or she called the tow service.
- J. When the wrecker arrives on the scene, the officer shall advise the dispatcher of time of arrival and any other subsequent problems.
- K. Dispatchers shall be notified of all requests to tow vehicles by officers or owners of private property and shall record date, time, place towed from and to, license number, make or model, and color of vehicle in the towed vehicle log.
- L. Contracted towing companies will adhere to the City of Brenham towing contract.

V. INVENTORY

- A. Authority and purpose
 - 1. A motor vehicle inventory is an administrative procedure designed to protect vehicles and their contents while in departmental custody. The purpose of the inventory is to protect the owner's property and to protect the department against claims and possible dangers. Inventories may be conducted without a warrant or probable cause when:


- a. The vehicle has been lawfully seized or impounded.
- b. Before towing the vehicle for violations, safety reasons, or other purposes as defined by law.

B. Inventory vs. search

1. An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not an inventory but a vehicle search and as such is governed by Policies 7.4 and 7.5.
2. Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked shall not be inventoried. Officers are reminded of the "plain view doctrine" and the limitations upon the authority to search incidental to a lawful arrest. See Policy 7.4 for further details.
3. A vehicle inventory report shall be completed whenever an officer assumes responsibility for towing a vehicle, and shall complete an inventory at the location where the vehicle was seized unless reasons of safety or practicality require the inventory to take place later.
4. Before the vehicle is removed, officers shall obtain the signature of the tow truck driver on the inventory report and provide the tow driver a duplicate copy of the report.

C. Inventory procedures

1. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner/operator shall be requested to verify the completeness of the inventory by signature.
2. The scope of the inventory includes all open and closed containers and compartments and any locked containers or compartments as long as the officer has a key. Locked or sealed items shall not be forcibly entered if doing so will damage them. Locked items that are not searched will be noted on the Impound report. In general, the inventory extends to all areas of the vehicle in which personal property or hazardous materials may reasonably be found.
3. Officers shall not force open a vehicle's trunk or glove compartment to inventory the contents if a key is not available.
4. Any evidence, contraband, fruits or instrumentalities of a crime discovered during an inventory shall be handled per evidence procedures.

	BREHAM POLICE DEPARTMENT	
	Policy 7.17 Communicable Diseases	
	Effective Date: 7/15/2011	Revised: 10/14/2020
	Approved: Ron Parker Chief of Police	
	Reference:	

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 but no limited to hepatitis B, tuberculosis, HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immune Deficiency Syndrome), and AIDS-related infections.

Officers cannot refuse to work with or handle anyone--victim, complainant, or suspect--because of the officer's fears of possible infection. Personnel shall not refuse to arrest or otherwise refuse to handle any person in a legitimate law-enforcement context, provided that appropriate protective equipment is available. The measures provided herein will assist officers in carrying out their duties while simultaneously minimizing health risks. Officers shall act responsibly in minimizing the risk of infection when dealing with any person, male or female, child or adult, or with any body fluids. A few simple precautions, however, will avoid the risk of infection almost entirely.

The department shall provide employees with information and education on prevention of communicable diseases, as well as safety equipment and procedures to minimize their risks of exposure. The department has instituted post-exposure reporting, evaluation, and treatment for all members exposed to communicable diseases.

II. PURPOSE

The purpose of this order is to establish guidelines and procedures to be followed when a member of the department is exposed to a communicable disease with a risk of major illness or death, and for handling of evidence or property that may be contaminated.

III. DEFINITIONS

A. Communicable disease

An infectious disease capable of being passed to another by contact with an infected person or his/her body fluids or on an object.

B. HIV (Human Immunodeficiency Virus)

The virus that causes AIDS. HIV infects and destroys certain white blood cells, undermining the body's ability to combat infection. (Also named HTLV-III or LAV). Technically speaking, this general order aims to reduce the chance of HIV transmission, the virus that causes AIDS. HIV is transmitted through very specific body fluids, including blood, semen, vaginal fluids, and breast milk.

C. ARC (AIDS-Related Complex)

A condition caused by the aids virus (HIV) and has a specific set of symptoms. Such symptoms include persistent fever, weight loss, skin rashes, diarrhea, and swollen lymph nodes. Although these symptoms may be debilitating, they are generally not life-threatening.

D. AIDS (Acquired Immune Deficiency Syndrome)

A blood borne and sexually-transmitted disease that attacks and destroys the body's immune system. It makes people susceptible to infections, malignancies, and diseases not generally life-threatening to persons with normal immune systems. AIDS also causes disorders of the central nervous system. There is no vaccine against the virus. Personnel are advised that AIDS is not transmitted through any of the following (according to the Centers for Disease Control):

- a. Sneezing, coughing, spitting.
- b. Handshakes, hugging, or other nonsexual physical contact.
- c. Toilet seats, bathtubs, or showers.
- d. Various utensils, dishes, or linens used by persons with AIDS.
- e. Articles worn or handled by persons with AIDS, i.e., doorknobs, pens, or cups.
- f. Being near someone with AIDS frequently or over a long period of time.
- g. Riding the same transportation.
- h. Eating in the same public place with an AIDS-infected person.
- i. Working in the same office.

E. Seropositivity

Refers to a person having antibodies to HIV, meaning that infection has occurred at some time in the past. A seropositive person can be infected with HIV for years without ever developing symptoms of AIDS. Infected persons can transmit the virus even though they may not have symptoms of AIDS.

F. Hepatitis B (HBV)

A viral infection that can result in jaundice, cirrhosis, and, sometimes, cancer of the liver. The virus is transmitted through exposure to blood, semen, vaginal secretions, breast milk, and possibly saliva. Two vaccines are currently available against hepatitis B [Recombivax (synthetic) or Heptivax (serum derived)].

G. Tuberculosis

A bacterial disease that can be transmitted through saliva, urine, blood, and other body fluids by persons infected with it. Tuberculosis is spread primarily by inhaling airborne droplets from infected coughing people. It can enter the body through infected mucous on the skin (as from coughing or sneezing) or from droplets that are inhaled. It is an airborne, opportunistic disease and it primarily causes lung infection. Although no vaccine against tuberculosis exists, medications are available to treat the disease.

H. Exposure control program

A written agency plan, available to all employees, which details the steps taken to eliminate or minimize exposure incidents, and identifies at-risk tasks and assignments.

I. Personal protective equipment (PPE)

Specialized clothing or equipment worn or used by employees for protection against infection. PPE does not include uniforms or work clothes without special protective qualities.

J. Universal precautions

Controls or procedures advised by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that blood and body fluids are potentially infectious.

IV. GENERAL RESPONSIBILITIES

A. The Quartermaster shall ensure that adequate supplies are available for communicable disease control within the department. Supervisors are responsible for maintaining continuously an adequate supply of disease control supplies for all affected personnel within their purview. Further, supervisors must ensure that:

1. Personal protective equipment (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. 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.
- C. The Quartermaster/ Supply Officer shall cause to be maintained at the department office the following:
- a. supply of disposable latex gloves
 - b. orange/red plastic biohazard bags and tape, or plastic bags and sealing ties
 - c. liquid household bleach
 - d. disposable towels/towelettes
 - e. buckets, mops
- D. 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.
- E. 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.
4. Conducting any type of search/inventory on a vehicle, person, or residence.

B. Specialized devices

1. Masks shall be worn whenever splashes, spray, spatter, or droplets of potentially infectious fluids endanger contamination through the eyes, nose, or mouth. Masks may be worn with other protective devices such as goggles. Gowns, jackets, coats, aprons shall be worn as determined by the degree of exposure anticipated.
2. Fire Department personnel have access to complete bio-hazard suits and equipment if needed. (TBP: 8.10.1)

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. When transporting prisoners do not put fingers in or near any person's mouth.
3. 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.
4. 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. Seek medical attention as soon as possible after the injury. A physician will then decide the proper treatment.
 - a. Washington County EMS may be summoned, due to the extent of the injury.
2. 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 or nitrile 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 or nitrile gloves on their persons at all times.
 - c. Latex or nitrile 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 vehicle to be used only to collect contaminated items (gloves, masks, etc.) until they can be disposed of properly. Clearly mark the bag "Contaminated Material."
 - g. Shoes and boots can become contaminated with blood. Wash with soap and water when leaving the crime scene, or use protective disposable shoe coverings.
 - h. Wrap-around eye safety goggles and face masks should be worn when the possibility exists that dried or liquid particles of body fluids may

strike the face. Particles of dried blood, when scraped, fly in many directions, so wear goggles and masks when removing the stain for laboratory analysis.

2. While processing the crime scene, be constantly on the alert for sharp objects, such as hypodermic needles, razors, knives, broken glass, nails, etc. Use of mirrors may be appropriate while looking under car seats, beds, etc.
3. Use tape--never metal staples--when packaging evidence.
4. If practicable, use only disposable items at a crime scene where blood or other body fluids are present.
5. Before releasing the crime scene, advise the owner of the potential infection risk and suggest that the owner contact the local health department for advice.
6. Warning labels must be placed on all plastic evidence bags to go to the crime laboratory.

VI. 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 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

	BRENHAM POLICE DEPARTMENT	
	Policy 7.20 Patrol Operations	
	Effective Date: 07/24/2014	Revised: 10/14/2020
	Approved:	Ron Parker Chief of Police
	Reference: TBP: 7.01.1	

I. POLICY

Patrol is the primary activity of law enforcement that includes much more than driving through neighborhoods looking for evidence of lawbreaking. The department expects officers to conduct patrol vigorously to enforce traffic and criminal laws, answer complaints, conduct investigations, promote community-relations activities, and prevent crime.

II. PURPOSE

To define and outline general procedures for patrol operations. Procedures for handling specific calls for service are presented in the Patrol Standard Operating Procedures.

III. ORGANIZATION AND ADMINISTRATION

A. Organization

The Patrol Division is commanded by a Police Captain and is comprised of officers assigned to both the Patrol and Traffic functions under the direct supervision of Patrol Lieutenants and Patrol Sergeants. The Lieutenants report to the Operations Captain, and the Sergeants report to the Lieutenants.

B. Hours of Operation

The Patrol Division operates on a 24 hour / 7-day a week schedule, the Traffic Section operates, seven days a week depending on available staffing and time of the year. (TBP: 7.01.1)

C. Patrol Division Responsibilities

1. Responsible for the preliminary investigation of calls for police services, accident investigation, traffic enforcement, crime prevention, those duties which by their very nature require the actions of a police officer, and assignments which may be given by a commanding officer.

2. Composed of designated shifts, each under the command of a police sergeant or other designated supervisor who reports via the chain of command to the Chief of Police.

D. Traffic Section Responsibilities

1. Responsible for primary service related to traffic operation, including, but not limited to, traffic enforcement, accident investigation, designated traffic direction and control, and assignments that may be properly given to them.
2. Composed of designated personnel under the command of a patrol sergeant or other supervisor, who reports to the Chief of Police.

E. Divisional Personnel Staffing

1. Patrol Staffing
 - a. Personnel are distributed among four patrol shifts. Personnel are assigned to a shift for a period of 2 months. The Patrol Lieutenant assigns personnel to shifts based upon distribution of calls for service, and departmental manpower needs.
 - b. Minimum staffing for patrol functions is three sworn officers per shift.
 - c. Personnel work (12) twelve-hour shifts, in a (84) eighty-four -hour pay period.
 - d. Personnel assigned to the Patrol division have rotating days off.
2. Traffic Unit Staffing
 - a. The traffic section is comprised of selected Officer/s assigned to the Patrol Division with primary duty assignment related to traffic enforcement.
 - b. Officers assigned to this section are under the direct supervision of the Patrol Lieutenant.


IV. PROCEDURES - Conduct while on patrol

- A. Officers shall acquaint themselves with the geography of their patrol assignment, and particularly the location of highways and traffic hazards. Officers shall also become familiar with the names and addresses of habitual criminals and law violators, first aid stations, hospitals, fire and rescue stations, magistrates, general district and county courts, medical examiners, public and private social service agencies, and any other public or private officials that prove helpful in the administration of their duties.
- B. Officers shall promptly respond to all calls dispatched to them. Calls which appear to be a risk to the physical well being of a person take precedence over calls which are reporting danger or loss of property. In all cases, when dispatched to a call, the officer will respond directly and expediently.

- C. Officers shall initiate investigations into suspicious activities to prevent criminal activity. Patrol Officers are responsible for the Preliminary Investigations of criminal offenses occurring in the city. Also, Patrol Officers who investigate certain types of criminal offenses, such as thefts, are required to complete an investigation if it is reasonable and efficient for the officer to do so.
- D. When an officer observes a violation of the law, subject to the authority and discretion discussed in Policy 1.2, he or she shall either (1) warn and release, (2) arrest, or (3) issue a summons to the violator to appear before the court having jurisdiction.
- E. Without exception, officers transporting non-department civilians (non-employees) shall notify the dispatcher of the transport. The report shall include the point of origin, vehicle odometer reading, and the destination. Upon arriving, the officer shall so notify the dispatcher and give the odometer reading. The communications operator shall log the information and record the time of each notification.
- F. To the capabilities of their training and qualifications, officers shall provide general and emergency assistance to motorists. Assistance includes providing information and directions, assisting stranded or disabled motorists, and obtaining medical and other emergency assistance. Officers shall, within reason, ensure that the requested service is provided in a timely fashion. If, after arranging for assistance, the officer is unable to remain with the motorists until help arrives, he/she shall take the necessary steps to provide safety to the motorists or arrange for transportation. If the need arises, officers may transport a motorist to a place of safety.

V. COMPLIANCE WITH PATROL STANDARD OPERATING PROCEDURE

- A. The patrol Standard Operating Procedure is designed to provide direction to all officers in patrol operations and the handling of routine calls.
- B. All officers who respond to calls for service or assist patrol officers will become familiar with the operational procedures. Officers are expected to follow the Patrol SOP unless specific other actions are approved or directed by a supervisor.

	BRENHAM POLICE DEPARTMENT	
	Policy 7.21 Traffic Enforcement	
	Effective Date: 09/16/2014	Revised: 04/12/2021
	Approved: Ron Parker Chief of Police	
	Reference: TBP: 7.21.1, 7.22.1, and 7.28.1	

I. POLICY

Traffic law enforcement involves all activities or operations which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. It is the policy of this department that motor vehicle stops shall be performed professionally and courteously, and with a view towards educating the public about proper driving procedures while recognizing and taking steps to minimize the dangers involved in this activity for the officer, the motorist and other users of the highway.

Overzealous enforcement, however, without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic. (TBP: 7.28.1a)

II. PURPOSE

It is the purpose of this policy to establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the officer and the motorist.

III PROCEDURES

A. Legal Basis for Stopping Motor Vehicles

1. Officers have legal justification for stopping a motor vehicle as provided by the Fourth Amendment to the U.S. Constitution. Without such justification, evidence of illegal activity discovered during the course of a stop may be inadmissible in court.
2. Officers are 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 are reminded that they have full discretionary authority in the type of enforcement actions to be taken, subject to the guidelines contained herein. Officers are encouraged to use good judgment, understanding and compassion in making a decision on the proper enforcement activity. (TBP: 7.28.1b)

B. Types of enforcement actions

1. Warnings

Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. In their discretion, officers must recognize that a properly administered warning can be more effective than any other type of enforcement.

2. Traffic Citation

A traffic citation shall be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

3. Physical arrest (TBP: 7.28.1d)

- a. In compliance with Transportation Code 543.002, officers shall make a physical arrest and take the violator before a magistrate when the officer believes that
 - i. the violator has committed a felony; or
 - ii. the violator has failed to stop at the scene of an accident involving property damage or committed any other violation where the punishment is greater than a fine only; or
 - iii. the violator refuses to give a written promise to appear under TRC 543.005 (Promise to Appear).
 - iv. A violator may not be physically arrested, but must be issued a citation for offenses of Speeding or violation of the Open Container law.

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, 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

The citation shall be completed whenever a motorist is to be charged with a motor vehicle violation. Officers shall advise drivers of the following:

1. The court appearance schedule and contact information. (TBP: 7.21.1)
2. Whether the court appearance by the motorist is mandatory.
3. Whether the motorist may be allowed to pay the fine before court and enter a guilty plea.
4. Answer the motorist's questions about the summons as thoroughly as possible.

IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

A. Speed violations

1. On public streets within the city that have a speed limit of 30 mile per hour or higher, officers shall not write citations for under 40 miles per hour unless specifically approved for a particular operation or problem solving activity.
2. In school zones where the speed limit is 20 miles per hour, citations may be written for any vehicle traveling 25 miles per hour or greater.

B. Other hazardous violations

Citations may be issued for any hazardous violation which in the officer's experience has caused accidents at the specific location.

C. Equipment violations

With only annual inspections required of vehicles, citations may be issued for any essential equipment defects which creates a danger or hazard to the driver or others or for expired registration stickers. Officers shall not issue a registration citation until the 10th day of the month following the month the registration expired.

D. Public carrier/commercial vehicle violations

In issuing a summons, consider traffic congestion, lack of parking, and carrier needs for delivery access. Repetitive violators shall be cited.

E. 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.

F. 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.

V. SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

The Department may participate in a Selective Traffic Enforcement Program (STEP). An Administrative Sergeant shall serve as the Department of Transportation STEP project director. The project director shall be responsible for all required reports involving STEP grants. The program director will oversee the agency's performance and ensure that goals are met. Officers below the rank of Captain are eligible to work STEP on an off-duty basis.

- A. Only sworn personnel are eligible to work STEP.
- B. Officers who work STEP must be certified in Radar and/or Lidar.
- C. Officers who work DWI STEP must be SFST certified.
- D. STEP pay is based on the City of Brenham's overtime policy and officers working STEP will fall under the supervision of the on-duty supervisor.
- E. All officers who work a STEP shift shall complete a STEP Daily Report and have it signed by the STEP Project Director.

VI. TRAFFIC LAW ENFORCEMENT PRACTICES - General

Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their duties.

- A. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
- B. Line patrol involves traffic enforcement with concentration on a particular section of roadway.
- C. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.
- D. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location.
- E. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind other drivers to comply with traffic laws.
- F. Objectives of traffic stops
 - 1. The two primary objectives of any traffic stop are
 - a. to take proper and appropriate enforcement action; and

- b. to favorably alter the violator's future driving behavior.
 - 2. Achievement of these objectives requires the officer to evaluate the violator's mental and physical condition when assessing the facts of the violation itself. In achieving these objectives, officers must exhibit flexibility to minimize conflict or argument with the violator.
- G. Stopping a Violator / Issuing a Citation (TBP: 7.28.1 c)
 - 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 (drunk 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.

6. Approaching the violator (Right side Approach)

- a. The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Follow these procedures unless circumstances dictate another reasonable method.
- b. After properly advising the dispatch of the traffic stop, location, and vehicle license number, the officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.
- c. The officer shall approach from the rear of the violator's car on the right side of the vehicle opposite the active traffic lane, look into its rear seat, and stop behind the trailing edge of the right front door. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, and at the same time keep all occupants of the vehicle in view.
- d. In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach to the trailing edge of the right front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
- e. In traffic stops made by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write all notes, and act as an observer and cover for his or her fellow officer.

7. 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 a 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.

8. Identification Procedure

During traffic contact or anytime a citation is being issued, the violator needs to be positively identified. Some ways the violator can be identified, but not limited to, are:

- a. Other forms of photo identification. The photo identification should be from official government issued ID's such as passports or military ID cards.
- b. Checking criminal history. This is to verify Social Security number matches violator.
- c. If an adult violator has not been positively identified through any means and the officer has suspicion the violator is being untruthful or deceitful, the violator can be arrested for a traffic offense, as according to state law, and

booked in the Washington County Jail for the purpose of identifying the violator through the fingerprint identification scanner.

- d. If the officer chooses to issue a citation when the violator cannot be positively identified a quality photograph of the violator SHALL be taken at all times the violator cannot produce identification. This can be done through the ticket writer or digital camera (photo should be imported to incident report or case report).
- e. In the event there is not enough light to take an acceptable photograph the officer will have the violator exit the vehicle in order to utilize appropriate vehicle lighting.
- f. The Officer should attempt to explain the reasoning for the photograph. If the violator refuses to cooperate, the violator may be arrested for any appropriate legal violation.

9. 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.

VII. CITATION ACCOUNTABILITY

A. Citation Book Security (TBP: 7.22.1)

- 1. Citation issuing information, records and storage of citations is the responsibility of the Municipal Court. Citation books are stored by the Patrol Administrative Assistant. The Patrol Administrative Assistant will verify the number of books delivered and place them in a designated locked area.
- 2. Included with the citation books is an inventory log sheet that includes the book and citation numbers. When citation books are issued, the Patrol Administrative Assistant or Shift Supervisor will issue and record the citation numbers and officer's name and ID both on the log.

3. Commonly the department uses ticket writers in lieu of written citations. Ticket writers are located within the secured area of the Police Department. The ticket writers are linked to a network server via Tyler Technologies that Municipal Court and the Police Department has access to. Each Officer has their own designated log-in providing security to each designated ticket book embedded in the software on the ticket writers.

B. Citation Accountability

1. Officers are directly accountable for each citation issued to them. Audits will now be performed quarterly 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 will keep the yellow copy of their citations for personal reference. Officers should maintain their copies for a minimum of six months in order to answer any questions regarding the citation on quarterly audits. Since these are copies and not originals, they do not have to be kept permanently under the governmental records rules.
3. 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, (except the yellow copy which the officer keeps), and turns in the remaining copies to their supervisor at the end of shift. (Violator's copy must be attached.) The supervisor will note "Approved" followed by their initials and forward the citation to Municipal Court.
4. 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 for approval and forwarding to Court.
5. While it is permissible for one officer to use a citation out of another officer's assigned book, the assigned officer should not loan the entire book to a fellow officer. The assigned officer is still responsible for the citations issued.

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.

VIII. TRAFFIC RECORDS SYSTEM

- A. The Patrol Captain is responsible for compiling the following traffic information:

1. Traffic Accident Data (to include location and accident causes)
 2. Traffic Complaints
 3. Traffic engineering deficiencies
- B. The Patrol Captain is also responsible for compiling traffic enforcement data to include:
1. Analysis of traffic accidents
 2. Analysis of traffic enforcement activities
 3. Implementation of Selective Enforcement techniques and procedures
 4. Deployment of traffic enforcement personnel
 5. Evaluation of selective enforcement activities.
 6. Note: Selective enforcement refers to selecting location and type of offense to enforce to address a particular problem. It does not refer to the selection of specific individuals to receive enforcement action.
- C. Annually, the Patrol Captain will prepare and distribute both traffic and patrol personnel the analysis of accident data and contributing factors. Any recommendations for enforcement and selective enforcement at high accident locations will be included.

IX. DWI/DUI ENFORCEMENT PROCEDURES

A. DWI Laws

It is unlawful for any person to drive or operate watercraft, aircraft, motor vehicle, or any device in, on, or by which a person or property is or may be transported or drawn on in a public place, except a device used exclusively on stationary rails or tracks while not having the normal use of mental or physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more substances, or any other substance into the body.

B. Responsibilities

Officers shall be alert for suspected DWI offenders. Officers shall use and document standardized field sobriety tests. Officers must carefully document the behavior of the DWI beginning with observations of driving habits. Once the violator has been stopped, the officer shall note the suspect's appearance, responses to stimuli, speech, cover odors, admissions of drinking, and/or drug ingestion.

C. Intoxilyzer

1. The security, care, and maintenance of the intoxilyzer instrument and all physical evidence obtained from it are every officer's responsibility.
2. The intoxilyzer is located at The Washington County Sheriff's Department.

D. Sobriety tests

1. Officers shall administer the standardized field sobriety test, and document their findings in a report, and if any extenuating circumstances arise for the standardized field sobriety test not being completed or possible alternate test given in lieu of the standardized field sobriety test.
 - a. Standardized Field Sobriety Test
 - i. Horizontal Gaze Nystagmus
 - ii. Walk and Turn
 - iii. One Leg Stand
 - b. Alternate Field Sobriety Test
 - i. Reciting of alphabet
 - ii. 10 count
 - iii. Nose Touch
 - iv. Lack of Convergence
 - v. Officers may employ additional tests, but they must be performed in the same order and manner consistently.
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 The Texas Department of Public Safety Crime Lab 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. Field Sobriety Testing Log

1. Per the National Highway Traffic Safety Administration and International Association of Chiefs of Police, if an officer has not completed 2 wet labs during the 24 hour Basic Standardized Field Sobriety Test Practitioner course that a mandatory running log of all sobriety tests administered must be maintained.

F. 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 or she will be asked to supply 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 or her that unreasonable refusal of the test constitutes grounds for the revocation of the driver's license.
 - d. If he or she still refuses, the Officer shall ask the subject to sign a document of refusal which is a part of the DIC 24 paper the subject has been previously supplied with that was provided orally and in writing. If the subject refuses to sign the document it shall be noted on the paperwork, and the Officer shall complete the proper paperwork to attempt to apply for a blood warrant.
 - e. Provide the appropriate DIC paperwork to the arrested subject pending the type of vehicle being operated.

G. Blood test procedure

1. The officer may take the arrested person to a physician, registered professional nurse, license vocational nurse, licensed or certified emergency medical technician-intermediated, licensed or certified emergency medical technician-paramedic, qualified technician designated by order of the court who shall withdraw blood for the purpose of determining its alcoholic content and/or drugs. The officer may also request a physician, registered professional nurse, license vocational nurse, licensed or certified emergency medical technician – intermediate, licensed or certified emergency medical technician – paramedic, qualified technician to make location where needed to obtain a blood specimen as well.

2. The arresting officer shall also witness physician, registered professional nurse, license vocational nurse, licensed or certified emergency medical technician – intermediate, licensed or certified emergency medical technician – paramedic, qualified 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 vials are sealed in their containers.
 - 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 the containers.

H. 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 intoxilyzer is inoperable or a licensed operator is not available, this test is deemed not available.
2. The type of equipment and the methods used to perform breath analysis shall accord with the regulations of the Division of Forensic Science.
3. The testing officer shall issue a certificate of breath alcohol analysis which indicates that the test was conducted per the manufacturers' specifications, the instrument 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.
4. Blood Warrant.
 - a. In the event that a suspect refuses a breath analysis an officer shall attempt to obtain a blood warrant.

I. 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.

J. DUI Laws

It is unlawful for any person under the age of 21 to operate a motor vehicle in a public place, or a watercraft, while having any detectable amount of alcohol in the minor's system.

K. Responsibilities

1. Officers shall be alert for suspected DUI offenders. Officers shall determine if the operator of the vehicle is under the age of 21 and if the operator is intoxicated or not; or only has a detectable amount of alcohol in their system. Officers must carefully document the behavior of the DUI beginning with observations of driving habits. Once the violator has been stopped, the officer shall note the suspect's appearance, responses to stimuli, speech, possible cover odors, admissions of drinking, or drug ingestion. If the operator is shown to be intoxicated and in between the age of 17 – 21 the officer will revert to following policy and practices used in DWI enforcement.

L. 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/her blood or breath taken for a chemical test to determine the alcoholic content of the blood/breath.
 - b. Advise the arrestee that he or she will be asked to supply a breath or blood sample taken, when available but not both, unless the officer suspects the presence of drugs.

- c. If the arrestee refuses the available test, advise the arrestee that unreasonable refusal of the test constitutes grounds for the revocation of the driver's license.
- d. If he or she still refuses, the arrestee shall be advised of the Implied Consent Statute and penalties by the magistrate. If the arrestee refused 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.
- e. The officer does not have to request a specimen of breath or blood be taken, if the officer can detect the odor of an alcoholic beverage emitting from the subject's breath.
- f. The officer has the discretion of releasing the arrestee to a responsible party in a timely manner with the issuance of a citation.
- g. Provide the appropriate DIC paperwork to the arrested subject pending the type of vehicle being operated.

X. 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 Patrol Captain shall review the traffic accident records at least annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program. The Patrol Captain 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.

XI. ESCORTS

A. General rules


1. Officers shall not provide emergency or non-emergency escorts for private vehicles. If a medical emergency exists, then an ambulance should be summoned.
2. Officers may provide escorts of vehicles with oversize or hazardous loads. These escort duties shall be conducted under the authorization of the Chief of Police or the on-duty supervisor. The Chief shall coordinate the escort with the authority having control over the escorted vehicles. Further, the escort shall take place only per a written plan approved by the chief.
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. Funeral Escorts will be conducted utilizing off duty officers hired by the Funeral Home. Before conducting a funeral escort, the escorting 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.
 - a. Unless approved by the Chief of Police or his/her designee.

	BREHAM POLICE DEPARTMENT	
	Policy 7.31 Accident Investigations	
	Effective Date: 7/15/2011	Revised: 04/12/2021
	Approved: Ron Parker Chief of Police	
	Reference: TBP: 7.16.1	

I. POLICY

An objective of the department is the reduction of motor vehicle accidents. To accomplish this, the department performs a variety of functions such as providing emergency service to the injured, protecting the accident scene, conducting accident investigations and follow-ups, preparing reports, and taking proper enforcement action. The purpose of accident investigation is to determine the cause of an automobile crash and use the information to develop enforcement that will reduce accidents. Accident reports are used by the Department of Public Safety and the Department of Transportation at the state level, and by the city locally to study the frequency of crashes at a given location and time, the causes, and the road conditions that existed at the time. The reports are also used to develop selective enforcement programs, engineering studies, and to promote street and highway safety.

II. PURPOSE

The purpose of this policy is to establish guidelines for the proper handling of traffic accidents and for the collection and use of data that will reduce automobile accidents resulting in property damage, injury, or death.

III. PROCEDURES – General (TBP: 7.16.1)

A. Accident report and investigation, general

1. Texas Transportation Code requirements concerning the reporting of traffic accidents include:
 - a. TRC 550.026 The driver of any vehicle involved in an accident resulting in death or injury shall immediately notify the law-enforcement officials.
 - b. TRC 550.062 A law-enforcement officer investigating an accident resulting in injury or death or total property damage to an apparent amount of \$1000 or more shall make a written report of it to DPS.

- c. TRC 550.062 Officers who investigate an accident for which a report must be made, either at the time of and at the scene of the accident, or thereafter and elsewhere, by interviewing participants or witnesses, shall within 10 days after completing the investigation, forward a written report of the accident.
2. An officer shall respond to and prepare a report of accident involving any of the following:
 - a. Death or injury.
 - b. Property damage in excess of \$1000.
 - c. Hit and run.
 - d. Impairment due to alcohol and drugs.
 - e. Hazardous materials.
 - f. Any accident involving city/county property, vehicles, equipment, or facilities.
 - g. Any accident where either driver cannot produce a driver's license or proof of liability insurance.
3. Officers shall also be assigned to respond to any accident involving disturbances between drivers/passengers or which create major traffic congestion as a result of the accident or where vehicles are damaged to the extent that towing is required. Patrol vehicles may be assigned to any other accident, not listed above, to assist persons involved with information exchange. Time permitting, officers may investigate and report these accidents as supervisors direct.

B. Responding to the Accident Scene

1. Officers shall respond to minor accident scene Code one, unless the dispatcher or supervisor directs otherwise.
2. Officers shall respond Code three to major accidents where there exist injuries or major road or highway blockages, or where information provided indicates the immediate need for an officer on scene.
3. The officers responding shall park their vehicles as necessary to protect victims and the accident scene, while still leaving room for egress for emergency services.

C. Accident scene responsibilities

1. The first officer to arrive at an accident scene shall perform the following:
 - a. Administer emergency medical care (basic life support measures) pending arrival of rescue personnel.
 - b. Summon additional help as required (officers, rescue, wreckers).
 - c. Protect the accident scene.
 - d. Preserve short-lived evidence (broken parts, skid marks).
 - e. Establish a safe traffic pattern around the scene.
 - f. Locate witnesses and record key accident information.
 - g. Expedite removal of vehicles, persons, and debris from the roadway except for fatal accidents.
2. The officer assigned to an accident shall have the responsibility and authority to request assistance from any other officers as needed. He or she becomes the primary investigating officer in charge at the scene unless the supervisor deems it more appropriate to assign another officer these responsibilities.
3. In case of accidents that occur on private property, accident reports need not be filled out if property damage does not exceed \$1000, unless the supervisor directs.
4. In case of extremely inclement weather where an accident involves only property damage, the 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 information.
- b. Examine and record vehicle damage.
- c. Examine and record the effects of the accident on the roadway or off the roadway on private or public property.
- d. Take measurements as appropriate.
- e. Take photographs as appropriate.
- f. Collect and process evidence.
- g. Exchange information among principals.

B. Follow-up activities

1. Follow-up activities which may be necessary include the following:
 - a. Obtain and record formal statements from witnesses.
 - b. Reconstruct the accident.
 - c. Submit evidentiary materials for laboratory examination.
 - d. Prepare accident or offense reports to support charges arising from the accident.
2. In a particularly serious accident involving severe injuries, fatalities, or multiple vehicles, it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, accident crash team specialists, or other specialists. Expert assistance shall be requested through a supervisor.
3. 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.
4. If the driver is transported to the hospital before the officer arrives and if the officer later concludes DWI, an arrest warrant shall be obtained. If the driver is hospitalized, then the warrant will be served when the driver is released.
5. 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 depending on injuries. The patrol vehicle shall not be parked at the scene in a manner that will endanger other pedestrians or motorists. The officer shall consider using the vehicle as a shield to protect the scene as well as him or herself. The officer shall leave the vehicle emergency lights on.
2. At all times when investigating an accident on the streets or highways, the officer shall wear a reflector safety vest.
3. In case of fire danger from leaking or ruptured gas tanks or where the accident may involve hazardous materials, the on-scene officer shall summon the fire department.
 - a. Any officer arriving at the scene of such an accident who sees hazardous materials placards shall immediately summon the fire department. The fire Chief will assume control of any scene involving hazardous materials and all officers shall provide support as required. The investigation of the accident shall begin after approval by the Fire Chief.
4. Any property belonging to accident victims shall be protected from theft or pilferage and, if owners are not present, it shall be taken into custody, tagged, and held for safekeeping until the victims claim it.
5. City Code requires any person clearing a wrecked or damaged vehicle from a highway to remove any glass or other injurious substance dropped upon the highway. Where the quantity of accident debris is too great for the wrecker operator to do this, the city public works services shall be requested. The fire department shall assist in washing down combustible substances.
6. If either driver is not present at the accident scene, do not assume that it is a hit/run unless further inquiry indicates the possibility. Perform the following actions if the incident appears to be a hit/run.
 - a. As soon as practicable, transmit the description of the vehicle and driver to dispatch, along with the direction of travel and time elapsed since the incident.
 - b. Process the accident scene as a crime scene.

D. Accident report

1. A report shall be filed on all accidents that occur on public property, or publicly accessed private property within the city if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1000, or involves government-operated vehicles). Public property is any highway, roadway, street, or public parking lot maintained by the state, county, or city.
 - a. Publicly accessed private property is a private access way or parking area provided for a client of a business, but not residential property or private parking where a fee is charged for parking.
2. In the event of an accident that occurs on private property, an accident report may be filed if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1000, or involves government-operated vehicles).
3. Accidents that do not meet reporting requirements may still be reported by the vehicle operators using the Texas Blue Form.

E. Disabled vehicles

1. Officers shall not push or tow any vehicle with a patrol vehicle unless the patrol vehicle is equipped with a department-approved push bar and the officer has been trained in its use.
2. Due to the risk to radio and emergency equipment, officers shall not connect jumper cables to a patrol vehicle to start a person's vehicle. Summon a wrecker if a jump-start is required.
3. Officers shall direct motorists who are low on gas to the nearest station. If completely out of gas and no station in town is open, summon a wrecker on behalf of the motorist.

	BRENHAM POLICE DEPARTMENT	
	Policy 7.40 Investigations	
	Effective Date: 7/15/2011	Revised: 4/18/2016
	Approved: Ron Parker	
	Reviewed: 11/12/2020 Chief of Police	
Reference: TBP: 7.04.1, 7.05.1, 7.09.1 and 7.10.1		

I. POLICY

The primary purpose of an investigation is to collect facts leading to the identification, arrest, and conviction of an offender, and to organize and present the facts for a successful prosecution. The single most important criterion which determines a successful investigation is correctly obtaining and handling information supplied by a victim or witness immediately after the crime. The department expects officers to treat investigations as a skill developed through training and experience, a skill that demands intelligence, logic, and discipline.

Not every preliminary investigation will result in the identification of a suspect, an arrest, or the recovery of property. The solution to solving crimes often is a function of the physical evidence left at the scene or information provided by victims and witnesses. Follow up investigations are therefore necessary. Because our resources are limited, prioritization of investigative resources is an unfortunate necessity. The department will therefore strive to investigate those crimes that are the most serious in nature and those that have the highest likelihood of solution.

II. PURPOSE

To establish guidelines for the general conduct of preliminary and follow-up investigations.

III. PROCEDURES - PRELIMINARY INVESTIGATIONS (TBP 7.09)

A. General

The preliminary investigation begins when the first officer arrives at the scene of a crime (or a citizen requests help). Patrol officers are responsible for the preliminary offense report in all cases unless specifically directed by a supervisor.

B. Caution

Officers who first arrive at a possible crime scene must take care not to enter hastily. The crime scene may pose a threat to the officer: an armed suspect may still be at the scene; toxic chemicals or infectious materials may be present; or evidence may be destroyed if the officer enters. When practicable, officers shall first note the total environment of the scene including, for example, whether doors and windows are

open or closed, lights on or off, presence of odors, and the condition and circumstances of the victim.

C. After forming an impression of the entire scene and ensuring that no threat exists, the officer shall proceed with the preliminary investigation which consists of, but is not limited to, the following activities:

1. Provide aid to the injured.
2. Define the boundaries of and protect the crime scene to ensure that evidence is not lost or contaminated. Erect barricade tape, rope, or cordon off the immediate crime scene. Record any alterations to the crime scene because of emergency assistance, the immediate necessity to handle evidence, or the actions of witnesses, victims, or suspects at the scene.
3. Determine if an offense has actually been committed and, if so, the exact nature of the offense.
4. Determine the identity of the suspect or suspects and make an arrest if it can be accomplished either at the scene or through immediate pursuit.
5. Furnish other officers with descriptions, method, and direction of flight of suspects, and other relevant information concerning wanted suspects or vehicles.
6. Determine the identity of all witnesses.
7. Collect evidence. Patrol officers who have been trained in collecting evidence will collect physical evidence to the limit of their ability and training. When additional evidence requires collection, is beyond the capabilities or training of the officer, or is evidence in a serious crime, the patrol supervisor shall contact appropriate Crime Scene Investigation officers.
8. Obtain written statements from the victim, witnesses, and suspects.
9. Arrange for follow-up surveillance of the crime scene, if appropriate.
10. Accurately and completely record all pertinent information on the prescribed report forms.

D. Follow-up

1. The initial stages of all preliminary investigations, including crime scene processing in some cases, may be conducted by patrol officers.
2. Patrol officers may conduct follow-up investigations in 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, along with legibility, clarity, and completeness. Supervisors shall review, approve, and sign crime reports.
2. Supervisors shall limit access to crime scenes to those persons immediately and directly connected with the investigation. This rule applies to other officers of the department, other agencies, or members of the community, regardless of rank or position.
3. The supervisor shall authorize the call-out of a 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 (TBP 7.10)

- A. All Part I and Part II crimes will be followed up by an investigator. Officers who conduct preliminary investigations of these offenses shall notify and on duty patrol supervisor if they believe an investigator is needed. The on duty supervisor will notify communications and request the on call investigator respond to the scene or make contact with on scene officers. 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. All offense reports generated by patrol will be referred to the Criminal Investigation Division for review or follow up investigation.
- B. The Supervisor and Investigations supervisor shall confer to determine follow up responsibility.

V. PROCEDURES: FOLLOW-UP INVESTIGATIONS (TBP 7.10)

- A. Occasionally, additional investigation will be required at the end of the tour of duty of the assigned officer. In these cases, the on-duty supervisor shall determine whether the investigation should be discontinued until the assigned officer's next tour of duty, assigned to an investigator, or overtime authorized.
- B. Except where the investigation might be jeopardized by its temporary discontinuance, the original assigned officer shall handle the case.
- C. A supplemental report must be prepared by each officer who works on the case. A supplement that documents the investigating officer's activity, information

developed, and case status shall be prepared and forwarded to the Investigations Supervisor. The officer or investigator shall maintain a case file to include supplemental reports.

- D. Officers and investigators that conduct follow-up investigations shall continue the investigation of criminal offenses until conclusion or until there are no additional workable leads that would likely result in the identification of a suspect or recovery of property. If the officer's time is limited, follow-up of cases will 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 unable to be completed.
- E. Victims will be kept informed of the status of the case periodically and when the case is closed or suspended.
- F. A follow-up investigation consists of, but is not limited to, the following activities:
 - 1. For most non-criminal cases:
 - a. Interview complainants and witnesses.
 - b. Locate missing persons.
 - c. Determine if information or suspicious activity relates to criminal activity.
 - d. Distribute information to the proper persons or agencies.
 - e. Locate lost property and return to owner.
 - f. Investigate deaths, overdoses, suicides, and injuries to determine if a crime was committed.
 - g. Make necessary notifications or conduct necessary inspections.
 - h. Record information.
 - 2. For most criminal cases:
 - a. Review and analyze reports of preliminary investigations.
 - b. Record information.
 - c. Review departmental records for investigative leads.
 - d. Seek additional information (from other officers, informants, contacts in community, and other investigators/agencies).
 - e. Interview victims and witnesses.

- f. Interrogating suspects.
- g. Arrange for the dissemination of information as appropriate.
- h. Plan, organize, and conduct searches.
- i. Collect physical evidence.
- j. Recover stolen property.
- k. Arrange for the analysis and evaluation of evidence.
- l. Review results from laboratory examinations.
- m. Identify and apprehend the offender.
- n. Check the suspect's criminal history.
- o. Consult with the District attorney in preparing cases for court presentation and assist in the prosecution.
- p. Notify victims and witnesses when their presence is required in court.
- q. Testify in court.
- r. Arrange for polygraph examinations, if necessary.

VI. REPORT WRITING

A. Field notes

All formal reports begin with field notes. Field notes are important for the following reasons:

- 1. To create a permanent record of events.
- 2. To aid the investigation.
- 3. To ensure accurate testimony in court.
- 4. To protect the officer from false accusations.

B. Formal reports shall include the following information:

- 1. Date, time of arrival at the scene.
- 2. Relevant weather or situational conditions at the scene upon arrival (e.g., a fire, crowd).

3. Circumstances of how the crime was discovered and reported.
4. Identity of other officers or emergency personnel at the scene.
5. Physical evidence present at the scene and the officers responsible for its collection.
6. Names, addresses, telephone numbers of victims or witnesses.
7. Results of interviews with the complainant, victim, or witnesses to include the identity or description of suspects.
8. Diagrams, sketches, photographs, or videotape taken at the scene, and the identity of the photographer or artist.
9. Recommendations for further investigation.

VII. SOURCES OF INFORMATION

A. Informants

Information is available from many sources, e.g., members of the community who wish to remain anonymous, criminals who have firsthand knowledge of illegal activity, and relatives or friends of those involved in crime. These sources shall be kept in mind when conducting investigations and interviews. Officers are cautioned to determine the motivation of people who provide information in order to evaluate it. For guidance on handling informants, consult Policy 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, field interviews can discourage criminal activity, identify suspects, and add intelligence information to the files of known criminals.

2. Victim/witness interviews

- a. Officers must recognize the trauma/stress to which the victim or witness has been subjected and shall conduct the interview in such a manner as to reduce stress.
- b. The age, physical limitations, and credibility of witnesses shall also be considered when evaluating their information.

C. Interrogation of suspects (TBP 7.04, 7.05)

1. Custodial Statements and Confessions.

- a. *Miranda* warnings are required and shall be administered prior to “custodial interrogation.”
- b. The following represent examples of situations that are not “custodial” and do not require issuance of *Miranda* warnings.
 - i. Investigatory stop and frisk.
 - ii. Questioning during a routine traffic stop or for a minor violation; to include driving while intoxicated (DWI) stops until a custodial interrogation begins. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
 - iii. During voluntary appearances at the police facility.
 - iv. When information or statements are made spontaneously, voluntarily and without prompting by police. (Note: Follow-up questions that exceed simple requests for clarification of initial statements may require *Miranda* warnings.)

2. Administering Miranda.

- a. Miranda warnings shall be read by officers from the card containing this information to all persons subjected to custodial interrogation.
- b. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as it precludes officers from testifying in court as to the precise wording used.
- c. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. Suspects may be interrogated only when they have knowingly and intelligently waived their rights. Threats, false promises or coercion to induce suspect statements is prohibited.
- d. Waivers of one or both of the Miranda rights must be performed affirmatively. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on the appropriate agency form.
- 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.

3. Invoking the Right to Silence
 - a. When a suspect invokes his right to remain silent, all interrogation shall terminate immediately.
 - b. Officers may interrogate a suspect who has previously invoked his right to silence, if, after the passage of time, the suspect initiates communication with officers. However, prior to questioning, Miranda warnings shall be re-administered and a waiver obtained.
4. Invoking the Right to Counsel
 - a. If a suspect waives his right to counsel, a waiver shall be obtained prior to questioning. When a suspect makes reference to counsel but his intentions are unclear, officers may question the suspect further to clarify his intentions. When a suspect invokes his right to counsel, all interrogation shall cease immediately.
 - b. If the suspect initiates new contact with the police, 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 Requirement
 - a. Parents or guardians should be notified whenever possible when a juvenile is 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.
 - b. The number of officers engaged in the interrogation shall be kept to a minimum. The interrogation shall be as short as possible.

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;(unless a Res gestae statement); and

- d. the nature and duration of breaks in questioning provided the suspect for food, drink, use of lavatories or for other purposes.
 - e. MVS (Mobile Video System) recordings are often in progress or in the field recordings and may not contain all the above information. In these cases the officer shall document all the necessary information in the case report.
- 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 other reasons deemed pertinent to successful interrogation by the case manager, the basis for such occurrences shall be documented. This includes but is not limited to spontaneous declarations or other statements not elicited by police questioning.
- 5. 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 that 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 when reasonably possible.

- d. Interrogations and confessions shall be recorded in their entirety starting with the interrogator's entrance into the interview room and concluding upon departure of the interrogator and suspect.
- 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. Each recording shall include the following:
 - i. Declaration of the time the recording began.
 - ii. Declaration of the start of the interrogation.
 - iii. Concurrence by the suspect that the interrogation has begun.
 - iv. Administration of Miranda warnings, even if the recording is a follow up to a prior interview or the suspect has been previously Mirandized.
 - v. Notation of the time the interrogation ends.
 - vi. Any lapse in the recording for comfort breaks or other reasons shall be accounted for on the recording. As an alternative, during a short recess, the recording may continue without interruption. Recording attorney-client conversations is prohibited.
 - vii. At the conclusion of the interrogation, the interrogator shall state that the interrogation is concluded and note the date and time of termination. The recording shall continue until all parties have left the interrogation room.
- h. Recordings of interviews are considered evidence and shall be handled as such. In addition, the following shall apply:
 - i. Unused recording media shall always be used for 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 media.
 - iv. Before submitting the original recording to a secure evidence storage area, the identifying information items supplied on

the recording label shall be completed and the recording marked either as an original or a copy.

- v. The reporting detective's follow-up report shall note if and how the interview was recorded.
- vi. All recordings shall be governed by this department's policy and procedures for the handling and preservation of evidence.

E. Collection, preservation, and use of physical evidence

- 1. Physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.
- 2. All officers are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their charge.

VIII. CONSTITUTIONAL REQUIREMENTS: GENERAL

A. Compliance with constitutional requirements during criminal investigations

- 1. All officers when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional protections. Officers shall ensure that:
- 2. All statements or confessions are voluntary and non-coercive.
- 3. All persons are advised of their rights in accordance with this general order.
- 4. All arrested persons are taken promptly before a magistrate for formal charging.
- 5. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney.
- 6. Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial.


IX. RELATIONSHIP WITH THE CITY, COUNTY AND DISTRICT ATTORNEY

- A. All personnel shall respond to requests for appointments from the Prosecutors, be on time, and have the subject for discussion ready.

- B. In contested case, misdemeanor or felony, the officer involved shall make an appointment with the Case Prosecutor or his or her assistant to discuss the case before trial if requested by the court.
- C. During any investigation (or during planning for arrest or pretrial stages), all 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 or his designee.

X. DISPOSITION OF CASES

- A. The officer or investigator shall maintain files of all cases assigned to him or her. All case files shall be appropriately labeled with the date of incident, name of victim, or name of suspect or arrested person. All original files will be maintained by the Records Division and include the original incident report, field notes, any supplement reports, statements, photographs, lab reports, reports of disposition of any property stolen, confiscated, recovered, or otherwise pertinent to the case, arrest reports, and anything else the officer / investigator deems pertinent.
- B. When the investigation is complete, the investigator shall close the case under (and include in the file a statement giving) one of the following labels:
 - 1. Adult Arrest – Referred (Municipal/County/District)
 - 2. Juvenile Arrest – Referred to Juvenile Probation.
 - 3. Referred W/O Arrest for Review (Municipal/County/District)
 - 4. C.B.E.M. (Lack of Cooperation, Waiver, Prosecution Declined)
 - 5. Closed (Information Only, Civil Issues)
 - 6. Inactive
 - 7. Unfounded
 - 8. Located Missing Person.
- C. Once the disposition entry has been made into the departmental computer system, the Case Disposition Tracking Form will be scanned into the report by the entering party.

	BRENHAM POLICE DEPARTMENT	
	Policy 7.41 Crime Scene Processing	
	Effective Date: 7/15/2011	Revised: 4/28/2016
	Approved: Ron Parker	
	Reviewed: 11/12/2020 Chief of Police	
Reference: TBP: 12.02.1		

I. POLICY

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. It is imperative, therefore, that each officer carefully processes a crime scene not to overlook or contaminate or destroy evidence. Physical evidence appears in many shapes, sizes and forms, thereby necessitating various recovery, preservation, and submission techniques. The officer or investigator shall be prepared to collect, identify, and package the evidence so that it will not be changed in form and value when it reaches the laboratory. The officer collecting the evidence shall maintain a chain of custody of that evidence in order to ensure that it is presented to the court professionally and in compliance with the law.

II. PURPOSE

To establish responsibilities for officers/investigators in processing crime scenes and to establish guidelines for the proper documentation, collection, packaging, and submission of physical evidence to the forensic laboratory.

III. DEFINITIONS

- A. Chain of custody - The chain of custody is the series of documented links between the time(s) that evidence was obtained until presented in court. The links are officers who handled the evidence, and where and when they did so.
- B. Exclusionary rule - The exclusionary rule requires that evidence seized or discovered in violation of the suspect's Fourth, Fifth, and Sixth Amendment rights cannot be admitted in court.
- C. Evidence - Any substance or material found or recovered in connection with a criminal investigation.

- D. Evidence custodian - The evidence custodian is the employee designated by the Chief to have administrative oversight over all found or confiscated property which comes into departmental possession.

IV. PROCEDURES - General crime scene processing

- A. Depending on the nature of the crime and the type of evidence present, patrol officers will normally collect and submit physical evidence to the extent they have been trained and have the equipment to do so. Normally, patrol officers will collect and submit evidence on misdemeanor offenses and some felony offenses where a document and or video evidence is the only physical evidence present.
- B. The department has a number of detectives trained and equipped to collect physical evidence. The Patrol Sergeant or OIC will contact dispatch and request a detective when the offense is a felony, any sex crime, and child abuse, where photographs are needed, or where the evidence present is beyond the capabilities of the officers training or equipment. (TBP 12.02)
- C. The officer/investigator responding to a crime scene shall make a determination of equipment needed for processing. The department maintains a complete evidence collection kit to include a camera, film, sketching equipment, fingerprint recovery tools, blood recovery materials, tweezers, scissors, boxes, bags, envelopes, tape, marking tools, evidence tags, and materials for lifting impressions (footprints, tire tracks).
- D. The property and evidence form shall be used to document all property and evidence coming into custody of the department.
- E. Officers and investigators shall use the following general order of processing crime scene unless reason dictates otherwise.
 - 1. Before moving objects or collecting evidence at major crime scenes (except where necessary to help a victim, apply first aid, or handle a suspect), officers will photograph the scene. Photographs should start at the edge of the property and progress into the scene as needed to show the scene and relationship of the evidence present. Close up photographs of each piece of evidence will be taken with and without a measuring device in the picture.
 - 2. At major crime scenes, officers will also prepare a sketch of the scene. Sketches of any crime scene will be done if it will show relationships or locations of where evidence is collected.
 - 3. Before collecting any item of evidence, take measurements using triangulation or the coordinate method and record.

4. Collect perishable evidence first. Perishable evidence such as fresh blood, blood-stained objects, physiological stains and tissue, or biological material shall be collected only by a trained detective who shall arrange to submit the material to a lab.
5. If the immediate destruction of evidence is not a concern, work through the scene systematically, collecting in a logical sequence, trying to avoid disrupting other items of evidence.
6. Collect comparison samples: The forensic laboratory can only compare known items with those showing similar characteristics. Sufficient specimens or controls must be submitted for comparisons of such items of hairs, fibers, paint, glass, soil, and tool marks.
7. Once perishable and other evidence has been collected, fingerprints shall be identified and lifted where possible. If transporting evidence may damage or destroy the latent prints on it, then the evidence shall be processed for prints at the scene.
8. Take overall measurements, obtaining wall, room, and building measurements is one of the last operations to be performed in processing the crime scene. The overall measurements are vital in the production of the final crime scene sketch but must be obtained last so as not to damage or destroy items of evidence.
9. Conduct a final organized search. Conduct a final, thorough search of the crime scene in case evidence may have been overlooked. Wherever possible, on a final search use an officer who has not participated in processing the scene.
10. The officer processing the crime scene shall list each item collected on the evidence recovery log. Note the following information for each item.
 - a. A complete description of the item (including make, model, and serial numbers, if any);
 - b. The source (from whom or location from which the item was obtained); and
 - c. The name of the person collecting the item.
11. The officer/investigator processing a crime/incident scene shall prepare a report giving an accurate account of events. This information shall be placed in a supplement to the offense/incident report.
12. All evidence shall be properly and prominently tagged or identified. In addition to the property and evidence form, the recovering officer shall complete a chain of custody form for the property custodian.

13. Officers shall observe principles regarding the legal use of physical evidence. Officers shall rigorously maintain the chain of custody of all evidence and shall always remain mindful of constitutional safeguards. If officers are not scrupulous in observing these safeguards, then the exclusionary rule may prohibit key evidence from being introduced at trial and the case may be lost or dismissed.

V. PROCEDURES - Evidence and property control

A. Collection of evidence

1. When collecting evidence, the 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 discard the gloves and put on a new set after collecting each separate evidentiary item.
3. In collecting evidence, officers shall remain mindful about the possibility of contagion if the crime scene contains body fluids. Further, some evidence may consist of hazardous chemicals or waste products, explosives, or highly combustible materials. The evidence custodian in consultation with a detective shall decide the best disposition of such items.
4. If a firearm is present at the crime scene it shall be unloaded before it transportation and submission to the evidence vault.

B. Marking evidence

1. In many instances, marking and labeling evidence may represent a single process. In instances where the evidence is large, complete identifying data may be recorded directly on the evidence to include the officer's name, date, time, location of recovery, item number, and case number.
2. In other instances, the small size or nature of the item collected will not permit complete information to be noted directly on the item. In these instances, the container or attached tag shall be marked with appropriate information.
3. The detective or the officer searching the crime scene shall mark similar items in the same place to save time and embarrassment in looking for the identifying marks when asked to identify the evidence in court.

4. Instruments which may be used for marking physical evidence include permanent markers (felt tip pens), scribes (diamond tip or awl), or where labels are used, ballpoint pens.
5. The officer who collects the evidence shall mark it.
6. Each officer or investigator shall develop his own identifying mark, normally his or her initials.

C. Packaging items of evidence

1. The officer who collects the evidence shall choose a container suitable to the type of evidence for packaging. Considerations in choosing the proper container include:
 - a. The size and weight of the item.
 - b. Whether the item is moist or wet (which could rot or deteriorate if packaged in plastic or an airtight container for an extended time).
 - c. Avoid any contamination of evidence by packaging all items separately.
 - d. Pack the item to minimize interior movement within the package.
 - e. Seal the package with evidence tape and initial or sign across the seal.
 - f. Label the exterior of the package before placing the evidence within it.
2. Special circumstances
 - a. Weapons
 - i. No officer shall, under any circumstances, personally retain custody of any found or confiscated weapon.
 - ii. Officers bringing weapons into custody shall inspect them to ensure their safe storage. All firearms shall be unloaded before storage.
 - iii. The recovering officer or investigator shall check all confiscated or found weapons against NCIC/TCIC files.
 - b. Drugs and narcotics see Policy 12..2
 - c. Alcohol
 - i. All containers of alcoholic beverages shall be sealed or contained to avoid any chance of leakage.
 - ii. The only alcoholic beverages that are considered contraband are those seized from underage persons whose possession is in itself is illegal. If not destroyed at the

scene on video, the contraband alcoholic beverages shall be destroyed upon conclusion of legal proceedings.


- iii. Alcoholic beverages seized or recovered which are not contraband or evidence shall be returned to the owner.

D. Preservation and submission of evidence to the forensic laboratory

1. Under normal circumstances, the officer or 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.
3. The Evidence Clerk may also submit evidence to the crime lab for analysis.

E. Preservation of perishable or deteriorating items:

1. When a rapidly deteriorating item of evidence has been collected (for example, a liquid sample of semen, a blood-soaked shirt), it shall be transported to the forensic laboratory the same day, if at all possible.
2. Any time an officer transports a perishable item to the laboratory for immediate analysis, the laboratory shall be called first so they will be ready to receive it.
3. In cases where immediate transport to the forensic lab is not possible, air dry (no more than one week) and transport to lab.
4. Where appropriate, submit known specimens of evidence so that comparisons can be made. The investigating officer shall be responsible for obtaining any required known specimens and submitting them, along with the items of evidence, to the forensic lab for analysis and comparison.

	BREHAM POLICE DEPARTMENT	
	Policy 7.42 Eyewitness Identifications	
	Effective Date: 07/15/2011	Revised: 04/12/2021
	Approved:	Ron Parker Chief of Police
	Reference: TBP 7.32	

I. POLICY

Eyewitness identification is a frequently used investigative tool. They also have the potential to be unreliable if not properly administered. Officers shall strictly adhere to the procedures set forth in this Policy in order to maximize the reliability of identifications, minimize unjust accusations of innocent persons, and to establish evidence that is reliable and which conforms to established legal procedure.

II. PURPOSE

It is the purpose of this policy to establish guidelines for photographic line-up identification and field identification procedures.

III. DEFINITIONS

- A. Sequential Photographic Line-up: Presentation of photographs one at a time in random order before an eyewitness for the purpose of identifying and eliminating suspects.
- B. Fillers: Photos of persons who are not the suspect that are used in the photo line-up.
- C. Confidence Statement: A declaration provided by an eyewitness immediately upon identification of a suspect in a photo line-up, before any feedback is provided, in which the witness articulates in his or her own words the level of confidence in identifying the suspect.
- D. Limited English Proficiency: The inability to clearly understand the instructions of officers.
- E. Field Identification: The presentation of a suspect to an eyewitness in a short time frame following the commission of a crime.

IV. PROCEDURES (TBP 7.32)

- A. Live line-ups will not normally be used due to the difficulty of administration and the difficulty in obtaining sufficient number of individuals with similar physical characteristics. Should an investigator determine a need for a live line-up, the investigator should contact the District Attorney for procedural and technical assistance.

B. Preparing Photographic Line-up Identifications

1. Photographic identifications must use a minimum of six photographs.

C. Officers shall employ the following guidelines.

1. Use photographs of individuals who are reasonably similar in age, height, weight and general appearance and of the same sex and race.
2. Create a consistent appearance between the suspect and fillers with respect to any unique features (e.g., scars or tattoos)
3. 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.
4. Consider selecting the photograph of the suspect that best resembles the suspect at the time of the incident.
5. Do not mix color and black and white photos.
6. Use photos of the same size and basic composition.
7. Mug shots should not be mixed with other photos.
8. Cover any portions of mug shots or other photographs that provide identifying information about the subject.
9. All individuals in the photographic line-up and/or the origin of the photos should be known to the investigator, if possible.
10. Photos should be reasonably contemporary.
11. If multiple witness, place the suspect in different positions within the line-up.
12. Do not use more than one photo of the same suspect.
13. If there is more than one suspect, include only one suspect in each line-up.
14. When showing a new suspect, avoid reusing fillers from previous line-ups.

V. PRESENTING PHOTOGRAPHIC LINE-UPS

- A. Document all persons present during the line-up.
- B. Show the photographic line-up to only one witness at a time so that they will not be aware of the response of other witnesses.
- C. Police personnel should not make suggestive statements, or take any other actions that may influence the judgment or perception of the witness.
- D. Instructions given the witness prior to viewing a photographic line-up can facilitate an identification or non-identification based on his or her memory. Inform the witness without other persons present of the following, using the Witness Identification of Suspect Disclaimer form:
 1. You will be asked to view a collection of photographs.
 2. The person who committed the crime may or may not be present in the group of individuals.
 3. You do not have to identify anyone.

4. Regardless of whether you make identification we will continue to investigate the incident.
- E. It is the primary investigating officer's responsibility to:
1. Prepare the photographic line-up.
 2. Preserve the photo line-up, together with full information about the identification process for future reference by entering the photographs, forms.
 3. Determine before any presentation if the witness is deaf, illiterate, or has limited English proficiency. If the witness is deaf, illiterate, is non-English speaking, or has limited English proficiency, the investigator will arrange for assistance to translate the Witness Identification Disclaimer/Photo Line-up Administration form in the language of the witness or otherwise assist the witness in understanding the instructions before proceeding. The identification of this individual will be documented as well as the assistance provided.
 4. Require a Law Enforcement Official not directly involved in the investigation present the photographic line-up(s) to witness(es).

VI. FIELD IDENTIFICATION PROCEDURES


Many courts have suppressed identification evidence based on the use of field identification because of the inherent suggestiveness of the practice. The use of field identification should be avoided whenever possible in preference for the use of a photographic lineup. If there is a question regarding whether the 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 exigent circumstances require the use of field identification the following guidelines should be followed.

- A. Supervisory approval should be obtained prior to Field Identification. The supervisor 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 supervisor will provide for an interpreter or other assistance, or not continue with the field identification.
- B. Single suspect field identification shall not be used if there is adequate probable cause to arrest the suspect.
- C. A complete description of the suspect should be obtained from the witness prior to conducting field identification.
- D. Whenever possible, the witness should be transported to the location of the suspect rather than bringing the suspect to the witness.
- E. Field identification should not be conducted when the suspect is in a cell, handcuffed or otherwise restrained, or dressed in jail clothing.
- F. Field identification should only be conducted with one witness present at a time. If the field identification is conducted for more than one witness it should be done separately. The witnesses should be separated and should not be permitted to communicate before or after the field identification until the results are documented.
- G. The same suspect should not be presented to the same witness more than once.

- H. 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.
- I. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator should be avoided.

VII. DOCUMENTATION

Any instance of the utilization of a photographic lineup, physical line up, and/or field identification shall be included as supplement to the original offense report. Additionally the appropriate form, Lineup Viewing Form or Field Identification Form shall be completed and submitted as part of the original offense report maintained in the case file. The methods, which should expressly comply with this directive and the results of the identification, shall be noted in detail.

	Brenham Police Department	
	Policy 7.44 Sex Offender Registration	
	Effective Date: 02/14/2017	Revised: 04/13/2021
	Approved:	Ron Parker Chief of Police
	Reference: TBP: 7.31	

I. POLICY

The Texas Sex Offender Registration Program (Chapter 62 of the Code of Criminal Procedure) is a sex offender registration and public notification law designed to protect the public from sex offenders. This law requires adult and juvenile sex offenders to register with the Brenham Police Department. Registration involves the sex offender providing the local law enforcement authority with information that includes, but is not limited to, the sex offender's name and address, a color photograph, and the offense the offender was convicted of or adjudicated for. Registered sex offenders are required to periodically report to the Brenham Police Department to verify the accuracy of the registration information and to promptly report changes in the information as those changes occur. Citizens of our city 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 Brenham Police 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. A sex offender who fails to comply with any registration requirement is subject to felony prosecution under Chapter 62.102, Criminal Code of Procedure.

II. PURPOSE

The purpose of this policy is to define procedures for sex-offender registrations and compliance checks.

III. PROCEDURES

The Criminal Investigation Division conducts all sex offender registration, verification, and compliance checks.

A. Sex-Offender Registration

1. Primarily, sex offender registrations are initially submitted by the Texas Department of Criminal Justice and/or Probation Departments based upon judgements ordered by the courts. The Brenham Police Department is required to submit new registration of sex offenders moving from out of state.
2. The following steps are required for new registration:

- a. The department's assigned registrar shall maintain a current user access to the computerized central database known as the Texas Secure Offender Registry.
- b. Submit sex offender registrations by completing the Sex Offender Registration (CR-35) Form.
 - i. Take digital photographs of the offender; front facial, front of full body, right profile side, left profile side, and all scars and tattoos.
 - ii. Obtain fingerprint card CR-36
 - iii. Obtain current address, telephone numbers, employer and employer address, contact number for a relative, and current vehicle.
 - iv. Take minimum of two digital photos of vehicle commonly driver and/or registered to the offender.
 - v. Verify the offender understands all duties as a registered sex offender by initialing each listed duty as according to Chapter 62, Code of Criminal Procedure.
 - vi. Submit the Sex Offender Registry Form CR-35 and DPS Fingerprint Card CR-36 to the Sex Offender Registry Program via email or fax.
 - vii. Provide the offender with a copy of the CR-35 containing the list of duties to register as according to Chapter 62, Criminal Code of Procedure.
- c. Create a new Sex Offender in the department's records management system.
 - i. Upload the digital photos of the offender.
 - ii. Update all information related to the offender.
- d. Maintain a file on each registered sex offender residing in the City of Brenham containing:
 - i. The completed DPS fingerprint card CR-36
 - ii. Copy of the Sex Offender Registry Form CR-35
 - iii. Photocopy of offender's current ID
 - iv. Sex-Offender Activity Log
 - v. Establish an appointment for the offenders upcoming verification date.

B. Sex-Offender Verification/Change of Status

1. The Brenham Police Department is required to submit verifications. The following steps are required for verification:
 - a. The department's assigned registrar shall maintain a current user access to the web-based Texas Secure Sex Offender Registry.
 - b. Submit sex offender verifications and change of status using the Texas DPS computerized central database known as the Texas Secure Sex Offender Registry.
 - i. Update sex offender information by submitting the online wizard in the Texas Secure Sex Offender Registry.
 - ii. Verify the offender understands all duties as a registered sex offender by initialing each listed duty as according to Chapter 62, Code of Criminal Procedure.

- iii. Update the sex offender information in the department's record management system.
- iv. Annually update a current photograph of the offender.
- v. Establish an appointment for the offenders next verification date
- vi. Update the Sex Offender Activity Log.


C. Sex-Offender Compliance Checks

1. The department shall maintain a schedule to ensure sex offenders report as required. If an offender fails to report properly, the department shall investigate to determine if a violation has occurred.
2. At least annually, Criminal Investigation Division personnel will locate the sex offender and update the offender's file with the following:
 - a. A new photograph
 - b. A new photograph and the license number of any vehicles the offender owns or has access to.
 - c. New employment information
 - d. Any new descriptive information (weight, scars, tattoos, etc.).
3. If the offender cannot be located, and investigation will be conducted to determine if terms of registration have been violated. If so, a criminal case will be filed, and a warrant issued.

D. Public Notification:

1. The Texas Department of Public Safety (TXDPS) maintains a statewide sex offender registration database. This database contains all information provided to Texas local law enforcement authorities by offenders required to register. State law specifically makes most information in this database freely available to the public. The public may access this information at any time through TXDPS website.
2. State law permits local law enforcement authorities to publish some sex offenders in a newspaper, circular, or other periodical that serves the community the sex offender resides in.
3. If a high risk sex offender or a civilly committed sexually violent predator moves into a community, the TXDPS will notify the community by mailing to each residence and business in the community a postcard containing information about the offender or predator.
4. If the sex offender's victim is a child younger than 17 years of age (regardless of the basis on which the person is subject to registration), notification is made to the superintendent of the school district in which the person subject to registration intend to reside. A copy of the letter to the superintendent is placed in the offender's file.
5. The notice to the superintendent includes any information that is determined to protect the public except the following:
 - a. The offender's social security number, driver's license number, or telephone number, or
 - b. Any information that would identify the victim of the offense for which the person is subject to registration.

6. No public notifications or notice to school superintendents are made on sexual offenders that are juveniles of that were convicted as a juvenile offender.
7. The registration and notification from the Department of Criminal Justice, as well as the original offense information if necessary, are reviewed for the notifications to educational institutions and the public as currently required under the Code of Criminal Procedure.

	BREHAM POLICE DEPARTMENT	
	Policy 8.1 Unusual Occurrences and Special Events	
	Effective Date: 7/15/2011	Revised 10/15/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP: 2.22.1, 8.07.1, 8.08.1, 8.09.1, and 8.11.1	

I. POLICY

Unusual occurrences include emergencies resulting from natural or man-made disasters or civil disturbances such as riots, disorders, spontaneous violence, or labor disputes. While these occurrences are uncommon, the department must not only deploy personnel in the field but must coordinate the responses of other law-enforcement agencies as well as other agencies. Department personnel must act quickly, decisively, and knowledgeably to mitigate disorder or disaster by restoring order and control, and by protecting lives and property.

II. PURPOSE

To establish general guidelines for planning and deploying personnel for unusual occurrences.

III. DEFINITIONS

- A. Unusual Occurrences: Includes natural and man-made disasters as well as civil disturbances, unusual police events such as hostage or barricaded persons 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 of Regional Emergency Response Plan that outlines the responsibilities of all public agencies in time of natural or man-made disasters.

IV. PROCEDURES

A. Administration

1. The Chief of Police is responsible for overall planning of the law-enforcement response to unusual occurrences and for department participation in the regional emergency operation plan.

2. The Chief of Police is responsible for coordinating all law enforcement plans with the municipal, county, or state official charged with emergency activities. A copy of the Emergency Operations Plan will be maintained in the Office of the Chief, and the Communications Division. (TBP: 8.07.1)
3. The department shall conduct training for all personnel on their roles and responsibilities under the county emergency response plan. Copies of the emergency response plan are found in the Chief's office, and the communications center.
4. At least annually, the Chief of Police is responsible for ensuring the internal review of the Law Enforcement Appendix to the Emergency Response Plan and the other departmental procedures for unusual occurrences. (TBP: 8.09.1)

B. Special events

1. The Chief of Police or his/her designee is responsible for the proper planning of the law enforcement operations for any Special Event held within the city.
2. Special event plans shall include, at a minimum:
 - a. Anticipated personnel needs and assignments;
 - b. Special qualification requirements, if any;
 - c. Command structure;
 - d. Written estimates of traffic, crowd, or crime problems anticipated;
 - e. Clearly written traffic flow plans;
 - f. Logistics requirements; and
 - g. Coordination with outside agencies.

C. Unusual Police Incidents

1. Unusual Police Incidents include:
 - a. Bomb threats or incidents where an evacuation is performed or a device is located;
 - b. Hostage taking where the victim is held after police arrival;
 - c. Barricaded Persons with ERT callout;
 - d. Hazardous Warrant Service; and
 - e. Other major incidents where more than three units and a supervisor are utilized.
2. The Chain of Command is notified immediately if any unusual police events occur.
3. The Patrol Standard Operating Procedure provides officers direction in handling many unusual police incidents. Handling of Civil Disturbances is covered in Policy 8.2.
4. The department maintains an Emergency Response Team trained and equipped to assist in the successful resolution of Unusual Police Incidents. The management and use of the ERT is provided in Policy 8.3.

D. Use of National Incident Management System

1. The department trains all personnel in their appropriate level of NIMS courses for understanding of their role in the management of an incident. (TBP: 8.11.1)
2. The NIMS process of Incident Command will be utilized in handling all unusual occurrences where more than three units are utilized.


E. Mobilization of additional resources

1. In any emergency or special operation where additional law enforcement resources are required, the Chief of Police may:
 - a. Hold over the shift due to go off so that personnel of two shifts are available;
 - b. Call back additional personnel;
 - c. Request assistance through mutual aid; and
 - d. Request state assistance through the Governor's Office (Mayor requests).
2. Some special operations are planned weeks in advance and, where possible, additional personnel required will be given advance notification of time, place, uniform, duties, etc. For other operations such as raids, security considerations may limit advance notification to minutes.
3. All members of the department are subject to immediate recall in the event of an emergency. Failure to respond to an order to report to work shall be grounds for termination. (TBP: 2.22.1)
4. The Chief of Police shall assign personnel called back as required, using the skills, knowledge, and abilities of recalled officers where appropriate.
5. Call-back time is paid time and will be strictly controlled and accounted for, minimizing expenditure where feasible.

F. After Action Reports (TBP: 8.08.1)

1. After Action Reports are required after any natural or man-made disaster or any unusual event as listed in C1 above.
2. After Action Reports are required at the conclusion of any unusual occurrence within 10 days of completion of the event. Unless otherwise assigned, the preparation of the report is the responsibility of the supervisor in charge of the event.
3. The After Action Report should include a discussion of:
 - a. A detailed description of the event;
 - b. The prior planning for the event, if any;

- c. The number and identity of personnel assigned;
 - d. A chronological description of the event and problems encountered or successes accomplished; and
 - e. A critical review of operations and what policy, equipment or procedures need to be changed to better respond to a similar problem or event in the future.
4. The After Action Report should be prepared in memorandum format and forwarded to the Chief of Police for review.

	BREHAM POLICE DEPARTMENT	
	Policy 8.2 Civil Disturbances and Mass Arrests	
	Effective Date: 7/15/2011	Revised: 10/15/2020
	Approved: Ron Parker Chief of Police	
	Reference: TBP: 8.07.1	

I. POLICY

How law enforcement officers deal with crowds in civil actions, whether in demonstrations or civil disturbances, has direct bearing on their ability to prevent property damage, injury, or loss of life and minimize disruption to persons who are uninvolved. Officers confronting civil disturbances and those called upon to assist in these incidents shall follow the procedures as enumerated in this policy to protect life, property, and First Amendment rights.

In rare circumstances resulting from manmade or natural emergencies, and in widespread highly volatile civil unrest with the potential for widespread violence, the incident commander shall temporarily suspend any policy, provision, or guideline contained herein when such action is determined to be the only reasonable alternative for the prevention of loss of life or major property damage.

II. PURPOSE

The purpose of this policy to establish guidelines for managing crowds and preserving the peace during demonstrations and civil disturbances.

III. DEFINITIONS

- A. **Civil Disturbance:** An unlawful assembly, as defined by state statutes and local ordinances. Normally, a gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. These are typically, but not always, spontaneous occurrences requiring the emergency mobilization of police forces and related emergency services.
- B. **Demonstration:** A legal assembly of persons organized primarily to express political or other doctrine or views. These are typically scheduled events that allow for police planning. They include but are not limited to marches, protests, and other assemblies that are largely designed to attract the attention of onlookers, media, and others. Demonstrations can evolve into civil disturbances that necessitate enforcement actions. Although crowd control may be necessary at sporting events,

festivals, concerts, celebratory gatherings, and related events, these are not defined as demonstrations.

- C. Crowd Control: Techniques used to address unlawful public assemblies, to include a show of force, crowd containment and dispersal equipment and strategies, and preparations for multiple arrests.
- D. Crowd Management: Techniques used to manage lawful assemblies before, during, and after the event for the purpose of maintaining their lawful status as accomplished through event planning, pre-event contact with group leaders, issuance of permits, intelligence gathering, personnel training, and other means.

IV. PROCEDURES

A. General Management and Organization Principles

1. By law, this jurisdiction may impose reasonable restrictions on the time, place, and manner of expressing First Amendment rights. This department shall place only those limitations and restrictions on demonstrations necessary to maintain public safety and order and, to the degree possible, allow uninhibited commerce and freedom of movement for uninvolved persons.
2. The on duty supervisor will assume the role of incident commander (IC) at the scene of mass demonstrations and civil disturbances until relieved by a higher ranking supervisor or the Chief of Police.
3. The commander and team leader of Emergency Response Team shall be responsible for preparing any tactical plans and management details associated with planned demonstrations.
4. If at all possible, a member of the department should be detailed to conduct video recording of the incident and departmental response to include any interactions involving use of force.
5. The incident command system shall be used in crowd management and civil disturbances to ensure control and unified command. The IC shall do the following:
 - a. Assume responsibility for issuing and disseminating all orders to members of his or her command and for determining the resources that are necessary and the extent to which they will be used
 - b. Direct the establishment and organization of an incident command post
 - c. Authorize such use of force and engagement with the crowd as deemed necessary to resolve unlawful actions

- d. Authorize the use of arrest as a means of curtailing unlawful behavior
- e. Designate a liaison officer to coordinate with other city or county emergency service providers, as well as government offices, agencies, and departments
- f. Officers shall be briefed at the staging area on the type of crowd being monitored and told what to expect from participants and what types of responses and force can be employed. They shall also be informed that the unit commander will order the response deemed appropriate and that the unit will act in concert with and follow the direction of the unit commander.
- g. It is the policy of this department to avoid making mass arrests of persons when arrest avoidance is reasonable in the interests of safety and security.

V. USE OF FORCE

- A. The department's use-of-force policy is equally applicable to enforcement actions in the context of both mass demonstrations and civil disturbances. That is, officers may use only such force as is reasonably necessary to protect themselves or others from physical harm, to restrain or subdue a resistant individual, or to bring an unlawful situation safely and effectively under control.
- B. Unity of action and command and control are key to effective handling of demonstrations and civil disturbances. Thus, unless exigent circumstances require immediate action, officers shall not independently make arrests or employ force without command authorization. In exigent circumstances, supervisors shall independently authorize the use of force or such other tactics in accordance with the agency use of force policy and this policy.
- C. All officers providing assistance to this agency through mutual aid agreements, contracts, or related means shall be briefed on the mutually agreed upon provisions of those agreements relating to the use of force and protocols for crowd control prior to deployment.
- D. The following restrictions and limitations on the use of force shall be observed during mass demonstrations and civil disturbances:
 - 1. Canine teams may respond as backup as appropriate but shall not deploy the dog for crowd control. Canines shall remain in patrol vehicles or other secure locations and, whenever reasonably possible, out of the view of demonstrators. Canines may be deployed in isolated circumstances related to pursuit of suspects in buildings and related environments.
 - 2. Horses may be used to surround and control groups in nonviolent demonstrations as appropriate. They shall not be used against passively resistant demonstrators who are sitting or lying down. Horses shall not be deployed when the use of chemical agents is anticipated or deployed, nor

shall they be used in icy or snow conditions. Fire hoses shall not be used for crowd containment or dispersal.

3. Motor vehicles may be used to surround and move persons as appropriate but shall not be brought into contact with them for purposes of containment or dispersion.
4. Less Lethal projectiles shall not be fired indiscriminately into crowds. Direct-fired impact munitions, to include beanbag and related projectiles, shall not be used for crowd control or management during demonstrations. Direct-fire munitions may be used where reasonable during civil disorders against specific individuals who are engaged in conduct that poses a threat of death, great bodily harm, or serious property damage, when the individual can be properly targeted.
5. When reasonably possible, a verbal warning shall be issued prior to the use of impact munitions.
6. Electronic control weapons (ECW) shall be used during civil disturbances only for purposes of restraint or arrest of individuals when actively resisting and when alternative lesser means of control are not available or are unsuitable and only when the individual can be accurately targeted. ECWs may not be fired indiscriminately into crowds.
7. Officer-issued aerosol restraint spray (OC) may be used against specific individuals who are engaged in unlawful acts or conduct or actively resisting arrest, or as necessary in a defensive capacity when other alternatives would likely be inadequate or are unavailable. It shall not be used indiscriminately against groups of people, in demonstrations or crowds where bystanders would be unreasonably affected, or against passively resistant individuals.
8. High-volume OC delivery systems (such as MK- 9 and MK- 46) are designed for and may be used in civil disturbances against groups of people engaged in unlawful acts or endangering public safety and security with approval of the incident commander. Whenever reasonably possible, a warning shall be issued prior to the use of these systems.
9. CS chemical agents are primarily offensive weapons that shall be used with the utmost caution. CS may be deployed defensively to prevent injury when lesser force options are either not available or would likely be ineffective. Such munitions shall be carried and deployed only by trained and authorized officers at the direction of the incident or field commander and only when avenues of escape are available to the crowd and, where possible, announced to the crowd in advance. Whenever reasonably possible, a warning shall be issued prior to the dispersal of chemical munitions. CN may not be used in any instance.
10. The asp baton or any baton (a less desirable option) shall be used primarily as a defensive weapon or as a means of overcoming active resistance, as when it is used in the two-hand horizontal thrust on a police line, as a show of force, or as a means to contain or disperse a crowd in this manner.

E. Use-of-Force Reporting and Investigation

Established use-of-force reporting requirements of this department are equally applicable to policing mass demonstrations and civil disturbances. However, reporting, documenting, and recording uses of force in the context of civil disturbances and mass demonstrations can be hampered by logistical and safety concerns. Officers will complete use of force forms as soon as practical after the event.

VI. DEMONSTRATIONS

- A. Preparation for responding to a demonstration shall be assigned by the Chief of Police. The commander shall ensure that a written incident action plan is developed for approval of the Chief or his or her designee.
- B. Every effort shall be made to identify and make advance contact with the leaders of the demonstration. A decision on personnel, resources, and related needs shall be based in part on information obtained from leaders, department intelligence, and other sources. Answers to the following additional questions shall be collected:
 - 1. What type of event is involved?
 - 2. When is it planned?
 - 3. Is outside opposition to the event expected?
 - 4. How many participants are expected?
 - 5. What are the assembly areas and movement routes?
 - 6. What actions, activities, or tactics are anticipated, to include use of demonstrator devices designed to thwart arrest.
 - 7. Have permits been issued?
 - 8. Have other agencies, such as fire and EMS, been notified?
 - 9. Is there a need to request mutual aid?
 - 10. Will off duty personnel be required?
 - 11. Have demonstration leaders been identified together with their past history of conduct at such events? Is it possible to meet with group leaders?
- C. Based on this and related information, the department will develop an action plan together with outside agencies where necessary. The plan shall address provisions for the following and be distributed to all affected command and supervisory officers.
 - 1. Command assignments and responsibilities
 - 2. Manpower, unit structure, and deployment
 - 3. Liaison with demonstration leaders
 - 4. Liaison with outside agencies
 - 5. Release of information to the news media
 - 6. Transportation, feeding and relief of personnel
 - 7. Traffic management
 - 8. Demonstrator devices extrication teams and equipment
 - 9. First aid stations
 - 10. Transportation of prisoners
 - 11. Prisoner detention areas
 - 12. Any intelligence information

- D. Officers shall monitor crowd activity. Sufficient resources to make multiple simultaneous arrests should be available, depending on the fluidity of the situation and degree of actual or likely disruption.
- E. Assigned officers shall wear their badges and nameplates or other personal identification on the outside of their uniforms or on their helmets at all times.
- F. Officers shall be positioned in such a manner as to minimize contact with the assembly.
- G. Officers shall not engage in conversations related to the demonstration with or be prompted to act in response to comments from demonstrators.
- H. Officers shall maintain a courteous and neutral demeanor.
- I. Persons who reside, are employed, or have business of an emergency nature in the area marked off by a police line shall not normally be barred from entering the demonstration area unless circumstances suggest that their safety would be jeopardized or their entry would interfere with police operations.
- J. Unit commanders shall establish and maintain communication with demonstration leaders and relay information on crowd mood and intent to the incident commander. Supervisors shall maintain close contact with officers under their charge to ensure 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 and contingencies and that logistical requirements related to the potential for making mass arrests are in place.

4. When the incident commander has made a determination that crowd dispersal is required, he or she shall direct unit commanders, where time and circumstances permit, to issue warnings prior to taking physical actions to disperse the crowd.
5. The warnings shall be issued loudly enough and often enough to be heard by the crowd from stationary vantage points or with the use of public address devices of moving patrol vehicles.
6. The warning shall consist of an announcement citing the offenses or violations being committed, an order to disperse, and designated dispersal routes. A second and a third warning shall be issued at reasonable time intervals before designated actions are taken to disperse the crowd. Where possible, the warnings shall be audio- or video-recorded at a point to the rear of the crowd and the time and the names of the issuing officers recorded in the incident commander's event log.
7. Specific crowd dispersal tactics shall be ordered as necessary where the crowd does not heed warnings. These include any one or any combination of the following:
 - a. Display of forceful presence to include police lines, combined with motorcycles, police vehicles and mobile field forces Crowd encirclement Multiple simultaneous arrests
 - b. Use of aerosol crowd control chemical agents
 - c. Police formations and use of batons for forcing crowd movement

VII. SPONTANEOUS DEMONSTRATIONS AND CIVIL DISTURBANCES

- A. Demonstrations or large gatherings of any kind that escalate into disturbances are governed by the policies and regulations concerning crowd management, control, and dispersal as identified here with respect to civil disturbances. The first officer to arrive on the scene of a spontaneous demonstration or civil disturbance shall do the following:
 1. Observe the situation from a safe distance to determine if the gathering is currently or potentially violent
 2. Notify the communications center of the nature and seriousness of the disturbance, particularly the availability of improvised or deadly weapons, its location and estimated number of participants, current activities (such as blocking traffic), direction of movement, and ingress and egress routes for emergency vehicles
 3. Request the assistance of a supervisor and any necessary 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, innocent civilians are evacuated from the immediate area of the disturbance
 4. Establish a temporary command post based on proximity to the scene, availability of communications, space, and security from crowd participants
 5. Continually assess the situation and advise communications of the status and additional needs
 6. Ensure that surveillance points are established to identify agitators, leaders, and individuals committing crimes, and to document and report on events as they happen
 7. Where illegal gatherings engaged in civil disturbances cannot be controlled with available field personnel within a reasonable period of time, the agency CEO 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, 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; two or more officers shall carry those who refuse to walk.
 6. At the transport vehicle, the arrestee shall be advised of the charges. The prisoner shall be searched for weapons, evidence, and contraband, and where possible, by an officer of the same sex. Such items shall be secured and identified prior to transportation.
 7. Digital photographs shall be taken of the arrestee with the arresting officer, and of the prisoner and any property that is turned over to the transporting officer.
 8. Upon arrival at the detention facility, the transporting officer shall deliver the prisoner for booking.
 9. All injured prisoners and those who request medical attention shall be provided medical attention prior to transportation to the detention facility.
 10. Photographs shall be taken of all injuries.
- B. All arrested juveniles shall be handled in accordance with this department's procedures for the arrest, transportation, and detention of juveniles.

IX. DEACTIVATION

- A. When the disturbance has been brought under control, the IC shall ensure that the following measures are taken:
 - 1. All law enforcement officers engaged in the incident shall be accounted for and an assessment and documentation made of personal injuries;
 - 2. Witnesses, suspects, and others shall be interviewed or interrogated. All necessary personnel shall be debriefed as required

- B. All written reports shall be completed as soon as possible after the incident to include a comprehensive documentation of the basis for the incident, the department's response to the incident, with a statement of impact to include the costs of equipment, personnel, and related items.

	BREHAM POLICE DEPARTMENT	
	Policy 8.4 Dealing with the Mentally Ill	
	Effective Date: 7/15/2011	Revised Date: 04/14/2021
	Approved: Ron Parker Chief of Police	
	Reference:	

I. POLICY

It is the policy of this Department to protect an emotionally or mentally unstable person from harming themselves, others, or property. Police work brings officers into contact with persons who are emotionally or mentally unstable. This instability may be due to any number of factors, including alcohol/drug dependency, emotional trauma, or some form of mental illness. Our primary concern in these cases is the safety and welfare of that person, the community, and the officer. When an officer has probable cause to believe that an emotionally or mentally unstable person presents an immediate threat of harm to themselves or another person, that person shall be taken into protective custody and transported to a facility where trained professionals can evaluate the emotional and mental status of that person.

II. PURPOSE

To provide officers with guidance on the handling of calls involving the mentally ill.

III. PROCEDURES

A. Recognizing Abnormal Behavior

1. Mental illness is often difficult for even the trained professional to define in a given individual. Officers are not expected to make judgments of mental or emotional disturbance, but rather to recognize behavior that is potentially destructive and/or dangerous to self or others. The following are generalized signs and symptoms of behavior that may suggest mental illness. Officers should not rule out other potential causes such as reactions to narcotics or alcohol or temporary emotional disturbances that are situationally motivated. Officers should evaluate the following and related symptomatic behavior in the total context of the situation when making judgments about an individual's mental state and need for intervention absent the commission of a crime.
2. Degree of Reactions. Mentally ill persons may show signs of strong and unrelenting fear of persons, places, or things. The fear of people or crowds, for example, may make the individual extremely reclusive or aggressive without apparent provocation.
3. Appropriateness of Behavior. An individual who demonstrates extremely inappropriate behavior for a given context may be emotionally ill. For

example, a motorist who vents his frustration in a traffic jam by physically attacking another motorist may be emotionally unstable.

4. Extreme Rigidity or Inflexibility. Emotionally ill persons may be easily frustrated in new or unforeseen circumstances and may demonstrate inappropriate or aggressive behavior in dealing with the situation.
5. In addition to the above, a mentally ill person may exhibit one or more of the following characteristics:
 - a. Abnormal memory loss related to such common facts as name, home address, (although these may be signs of other physical ailments such as injury or Alzheimer's disease);
 - b. delusions, the belief in thoughts or ideas that is false, such as delusions of grandeur ("I am Christ.") or paranoid delusions ("Everyone is out to get me.");
 - c. hallucinations of any of the five senses (e.g. hearing voices commanding the person to act, feeling one's skin crawl, smelling strange odors, etc.);
 - d. the belief that one suffers from extraordinary physical maladies that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time; and/or
 - e. extreme fright or depression.

B. Determining Danger

1. Not all mentally ill persons are dangerous while some may represent danger only under certain circumstances or conditions. Officers may use several indicators to determine whether an apparently mentally ill person represents an immediate or potential danger to himself, the officer, or others. These include the following:
 - a. The availability of any weapons to the suspect.
 - b. Statements by the person that suggest to the officer that the individual is prepared to commit a violent or dangerous act. Such comments may range from subtle innuendo to direct threats that, when taken in conjunction with other information, paint a more complete picture of the potential for violence.
 - c. A personal history that reflects prior violence under similar or related circumstances. The person's history may be known to the officer, or family, friends, or neighbors may be able to provide such information.
 - d. Failure to act prior to arrival of the officer does not guarantee that there is no danger, but it does in itself tend to diminish the potential for danger.
 - e. The amount of control that the person demonstrates is significant, particularly the amount of physical control over emotions of rage, anger, fright, or agitation. Signs of a lack of control include extreme agitation, inability to sit still or communicate effectively, wide eyes, and rambling thoughts and speech. Clutching one's self or other objects to maintain control, begging to be left alone, or offering frantic assurances that one is all right may also suggest that the individual is close to losing control.

- f. The volatility of the environment is a particularly relevant factor that officers must evaluate. Agitators that may affect the person or a particularly combustible environment that may incite violence should be taken into account.

IV. APPROACH AND INTERACTION – General Guidelines

- A. The following general guidelines detail how to approach and interact with a person who may have mental illnesses and who may be a crime victim, witness or suspect. These guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations. Officers, while protecting their own safety, the safety of the person with mental illnesses, and others at the scene should:
 - 1. Recognize that these events are dangerous and officers must be prepared to protect themselves and others. The person may be suffering from mental instability, extreme emotions, paranoia, delusion, hallucinations or intoxication;
 - 2. Remain calm and avoid overreacting, surprise may elicit a physical response, the person’s “fight or flight” may be engaged;
 - 3. Approach the individual from the front, be helpful and professional;
 - 4. Provide or obtain on-scene emergency aid when treatment of an injury is urgent;
 - 5. Check for and follow procedures indicated on medical alert bracelets or necklaces;
 - 6. Indicate a willingness to understand and help, use active listening, and paraphrase responses;
 - 7. Use the person’s name and your name when possible, speak slowly, simply and briefly, and move slowly;
 - 8. Remove distractions, upsetting influences and disruptive people from the scene;
 - 9. Understand that a rational discussion may not take place;
 - 10. Recognize that sensations, hallucinations, thoughts, frightening beliefs, sounds (“voices”), or the environment are “real” to the person and may overwhelm the person;
 - 11. Be friendly, patient, accepting, and encouraging, but remain firm and professional;
 - 12. Be aware that their uniform, gun, and/or handcuffs may frighten the person with mental illnesses and attempt to reassure him or her that no harm is intended;
 - 13. Attempt to determine if the person is taking any psychotropic medications;

14. Announce actions before initiating them;
 15. Gather information from family or bystanders;
 16. Use patience and communications to control, use physical force only as a last resort;
 17. Don't be afraid to ask direct questions about what the person is experiencing, e.g. "Are you hearing voices? Are you thinking of hurting yourself? Are you in need of something?"
- B. While each incident will be different when dealing with a person who may have mental illnesses, officers should be aware that their own actions might have an adverse effect on the situation. Actions that officers should generally avoid include:
1. Moving suddenly, startling the person, giving rapid orders or shouting;
 2. Forcing discussion;
 3. Cornering or rushing;
 4. Touching the person (unless essential to safety);
 5. Crowding the person or moving into his or her zone of comfort;
 6. Expressing anger, impatience, or irritation;
 7. Assuming that a person who does not respond cannot hear;
 8. Using inflammatory language, such as "mental" or "mental subject";
 9. Challenging delusional or hallucinatory statements;
 10. Misleading the person to believe that officers on the scene think or feel the way the person does.
- C. The department shall provide some type of mental health or crisis intervention training to all Department personnel. With refresher training given to all personnel at least every three (3) years.

V. EMERGENCY APPREHENSION AND DETENTION

- A. HSC 571.003 defines "Mental illness" as an illness, disease, or condition, other than epilepsy, senility, alcoholism, or mental deficiency, that:
1. Substantially impairs a person's thought, perception of reality, emotional process, or judgment; or
 2. grossly impairs behavior as demonstrated by recent disturbed behavior.
- B. HSC 573.001 empowers peace officers to take into custody a person, without a warrant, if the officer:
1. Has reason to believe and does believe that:

- a. The person is mentally ill; and
 - b. because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and
 - c. believes that there is not sufficient time to obtain a warrant before taking the person into custody.
2. A substantial risk of serious harm to the person or others under Subsection (a)(1)(B) may be demonstrated by:
 - a. The person's behavior; or
 - b. evidence of severe emotional distress and deterioration in the person's mental condition to the extent that the person cannot remain at liberty.
 3. The peace officer may form the belief that the person meets the criteria for apprehension:
 - a. From a representation of a credible person; or
 - b. on the basis of the conduct of the apprehended person or the circumstances under which the apprehended person is found.
 4. A peace officer who takes a person into custody shall immediately transport the apprehended person to:
 - a. The nearest appropriate inpatient mental health facility as determined by the local mental health authority .
 5. A jail or similar detention facility may not be deemed suitable except in an extreme emergency.
 6. A person detained in a jail or a non-medical facility shall be kept separate from any person who is charged with or convicted of a crime.

C. Juvenile Mentally Ill Patients

1. The emergency detention procedure for juveniles is the same as for adults.

VI. TAKING A PERSON INTO CUSTODY FOR EMERGENCY DETENTION

- A. If an officer determines that an Emergency Detention is necessary, the following procedures will be utilized:
 1. A minimum of two officers should be present before any action is taken to take the subject into custody when feasible.

2. Should a patient refuse an officer entry into their home for the purpose of apprehending him/her, the officer will not force entry unless a life is in immediate danger.
3. Take the person into custody and apply handcuffs for transport. Explain that handcuffs are necessary for everyone's protection. Use front cuff with belt restraint if possible. (If officers believe the subject will not resist, inform the subject of your intentions beforehand and explain your reasoning. If officers believe the subject will resist, immediate forceful action may be necessary to restrain the individual. Officer safety is paramount.)
4. Officers are reminded that the use of force is authorized to the extent necessary to take the subject into custody.
5. Proceed to the mental health facility and turn the subject over to the center staff.
6. Complete an Application for Emergency Detention. The application should detail the actions of the subject that led you to believe he was a danger to himself or others.
7. Complete a Case Report detailing the event and a copy of the petition shall be attached to the report.
8. Consider providing the mental health facility with a copy of your vehicle AVR tape for review by the interviewing doctor.

B. Physically Ill Mentally Disturbed Persons

1. When a Mentally Ill person is also physically ill or injured requiring transport by ambulance, an officer will ride in the rear of the ambulance with the person.

VII. CRIMINAL OFFENSES INVOLVING THE MENTALLY ILL

- A. Individuals who commit criminal acts but are believed by the officer to be exhibiting symptoms of mental illness and that are an immediate danger to themselves or others should be taken into custody and taken to the mental health facility under an Application for Emergency Detention. The officer will prepare an offense report providing all the details of the offense and the subject's behavior. Should the individual be determined to be competent after their evaluation, they shall be filed on for the offense and a warrant obtained for their arrest.
- B. Individuals who commit criminal acts and are believed by the officer to be exhibiting symptoms of mental illness but there is no evidence that the person is an immediate danger to themselves or others:
 1. If the offense is a misdemeanor, be released to a competent adult caregiver or booked into jail. If booked into jail, every attempt will be made to locate a caregiver and release the person to the caregiver on personal recognizance.
 2. If the offense is a felony, the individual will be booked into jail and every attempt will be made to contact a caregiver. The individual will be required to make bond.


3. In cases of family violence, a supervisor should be consulted to determine an appropriate response.
4. In any case where a suspected mentally ill individual is booked into jail, they shall not be housed with other inmates. Every effort will be made to monitor their safety and process them as quickly as possible to remove them from the facility.
5. Suspected mentally ill, non-violent juveniles who are being cared for by a responsible person will not be detained unless a felony has been committed.
6. Suspected mentally ill, violent juveniles, or those who have committed a felony, will be transported to the mental health facility.

VIII. REPORTING

- A. If a criminal incident involving a mentally ill person is reported, all pertinent information involving the offense must be included in that report.
- B. Certain individuals may habitually display unusual behavior which is and may become well known to the Police Department. Whenever contact is made with these individuals, information should be noted within the Call for Service.
- C. Any information which is requested to be included into the Computer Aided Dispatch (CAD) regarding a mentally ill person who is a hazard to police officers should be reported in writing by a supervisor to the Communications Supervisor.

IX. REFERRALS TO MENTAL HEALTH FACILITIES

- A. When a police employee receives a telephone call and the caller appears to be mentally disturbed or irrational:
 1. Obtain the caller's name, telephone number, and address or location from where the individual is calling.
 2. If the caller indicates that their or another life may be in danger, an officer will be sent and the on-duty patrol supervisor advised of the situation.
 3. If the caller is not an immediate threat to themselves or others, a suggestion can be made to contact a local mental health center for assistance.
 4. Attempted Suicide: When an officer is dispatched to a call in which a person has attempted suicide or is threatening suicide, the officer shall make certain that the immediate situation is stabilized. The officer shall also attempt to locate a relative, close friend, or other responsible party that is available. The officer shall then contact the appropriate mental health facility/provider for assistance and/or emergency detention. An Incident Report shall be completed regarding the attempted suicide.

	BRENHAM POLICE DEPARTMENT	
	Policy 8.5 Dealing with the Developmentally Disabled	
	Effective Date: 7/15/2011	Reviewed: 04/15/2021
	Approved: Ron Parker Chief of Police	
	Reference:	

I. POLICY

Persons afflicted with developmental disabilities are limited in their ability to effectively communicate, interact with others, and make reasoned decisions on their own. While the symptoms may appear similar to individuals with mental illness, the reasons for their behavior are different. Therefore, it is the policy of this agency that officers understand the symptomatic behavior of such persons and be prepared to deal with them in a manner that will best serve their needs and this department, the community and the individual.

II. PURPOSE

It is the purpose of this policy to provide officers with information on the symptoms and effects of developmental disabilities so that officers may better recognize and deal with such persons in enforcement and related capacities.

III. DEFINITIONS

- A. **Developmental Disability:** A potentially severe, chronic disability attributable to a physical or mental impairment or combination of impairments, resulting in substantial functional limitations to major life activities such as understanding and expression of language, learning, mobility, self-direction, self-care, capacity for independent living, and economic self-sufficiency.

Developmental disabilities, (such as those experienced by persons who have developmental delays, autism, or Tourette's syndrome) are not the same as and should not be confused with forms of mental illness such as schizophrenia or the more common mood disorders.

While many of the symptoms may appear to be similar to those with a mental illness, a developmental disability is one that slowed or halted the individual's normal development and may be permanent in nature; whereas mental illness may occur to individuals who have fully developed mentally but have illnesses which impact their behavior.

IV. PROCEDURES

- A. Common Symptoms. There are numerous forms of developmental disabilities. Many of the persons who have such disabilities have other related but distinct disorders as well (such as Asperger syndrome, Fragile X syndrome, and Rett syndrome). Although officers are not in a position to diagnose persons with such disabilities, officers shall be alert to the symptoms that are suggestive of such disorders. These include but are not limited to the following symptoms in various combinations and degrees of severity:
1. Difficulty communicating and expressing oneself
 2. Communication by pointing or gestures rather than words
 3. Repetition of phrases or words
 4. Repetitive body movements—may be harmful to themselves (movements may include, but are not limited to, swaying, spinning, clapping hands, flailing arms, snapping fingers, biting wrists, or banging the head) with little or no eye contact
 5. Tendency to show distress, laugh, or cry for no apparent reason
 6. Uneven gross or fine motor skills
 7. Unresponsiveness to verbal commands; appearance of being deaf even though hearing is normal
 8. Aversion to touch, loud noise, bright lights, and commotion
 9. No real fear of danger
 10. Oversensitivity or under sensitivity to pain
 11. Self-injurious behavior
- B. Common Encounters. Officers may encounter persons who have developmental disabilities in a variety of situations commonly involving persons without such disabilities. However, due to the nature of developmental disabilities, following are some of the most common situations in which such persons may be encountered:
1. Wandering - Developmentally delayed, autistic, or other developmentally disabled persons sometimes evade their parents, supervisor, caregiver, or institutional setting and may be found wandering aimlessly or engaged in repetitive or bizarre behavior in public places or stores.
 2. Seizures - Some developmentally disabled persons, such as those suffering from autism, are more subject to seizures and may be encountered by police in response to a medical emergency.
 3. Disturbances - Disturbances may develop and a caregiver may be unable to maintain control of the disabled person who is engaging in self-destructive behavior or a tantrum.
 4. Strange and bizarre behavior - Strange or bizarre behavior may take innumerable forms prompting calls for service, such as picking up items in stores (e.g., perceived shoplifting), repetitive and seemingly nonsensical motions and actions in public places, inappropriate laughing or crying, and personal endangerment.
 5. Offensive or suspicious persons - Socially inappropriate or unacceptable acts, such as ignorance of personal space, annoyance of others, or inappropriate touching of others or oneself, are sometimes associated with the developmentally disabled who often are not conscious of acceptable social behavior.

C. Handling and Deescalating Encounters. Some persons with developmental disabilities can be easily upset and may engage in tantrums or self-destructive behavior or may become aggressive. Fear, frustration, and minor changes in their daily routines and surroundings may trigger such behavior. Therefore, officers shall take measures to prevent such reactions and deescalate situations involving such persons in the course of taking enforcement and related actions. These include the following:


1. Speak calmly; use nonthreatening body language. Using a stern, loud, command tone to gain compliance will have either no effect or a negative effect on a developmentally disabled person. Use nonthreatening body language; keep your voice calm and your hands to your sides. Be aware that such persons may not understand the Miranda warning even if they say they do.
2. Keep the commotion down. Eliminate, to the degree possible, loud sounds, bright lights, and other sources of overstimulation. Turn off sirens and flashers, ask others to move away, or, if possible, move the developmentally disabled person to more peaceful surroundings.
3. Keep animals away. Keep canines in the police vehicle and preferably away from the area, and ensure that other dogs are removed.
4. Look for personal identification. Look for medical ID tags on wrists, neck, shoes, belt, or other apparel. Some persons carry a card noting that they are developmentally disabled and possibly nonverbal. That card should also provide a contact name and telephone number.
5. Call the contact person or caregiver. The person's caregiver or institutional or group home worker is an officer's best resource for specific advice on calming the person and ensuring the safety of the person and the officer until the contact person arrives on the scene.
6. Prepare for a potentially long encounter. Dealings with such a person cannot be rushed unless there is an emergency situation. De-escalation of the situation using calming communication techniques can take time, and officers should inform their dispatcher or supervisor or both that this might be the case if circumstances dictate.
7. Repeat short, direct phrases in a calm voice. For example, rather than saying "Let's go over to my car where we can talk," simply repeat "Come here," while pointing until the person's attention and compliance is obtained. Gaining eye contact in this and related situations is essential. Be direct by repeating, "Look at me," while pointing to the person's eyes and yours.
8. Be attentive to sensory impairments. Many persons who have autism have sensory impairments that make it difficult for them to process incoming sensory information properly. For example, some may experience buzzing or humming in their ears that makes it difficult for them to hear. Should an officer identify a sensory impairment, he or she should take precautions to avoid exacerbating the situation:
 - a. Don't touch the person. Unless the person is in an emergency situation (e.g., has been seriously injured or is in imminent peril), speak with the person quietly and in a nonthreatening manner to gain compliance.

- b. Use soft gestures. When asking the person to do something, such as look at you, speak and gesture softly. Avoid abrupt movements or actions.
- c. Use direct and simple language. Slang and expressions (e.g., "spread 'em") have little or no meaning to such persons. Normally, they will understand only the simplest and most direct language (e.g., come, sit, and stand).
- d. Don't interpret odd behavior as belligerent. In a tense or even unfamiliar situation, these persons will tend to shut down and close off unwelcome stimuli (e.g., cover ears or eyes, lie down, shake or rock, repeat questions, sing, hum, make noises, or repeat information in a robotic way). This behavior is a protective mechanism for dealing with troubling or frightening situations. Don't stop the person from repetitive behavior unless it is harmful to him or her or others.
- e. Be aware of different forms of communication. Some developmentally disabled persons carry a book of universal communication icons. Pointing to one or more of these icons will allow these persons to communicate where they live, their mother's or father's name, address, or what he or she may want. Those with communication difficulties may also demonstrate limited speaking capabilities, at times incorrectly using words such as "You" when they mean "I."
- f. Don't get angry at antisocial behaviors. For example, when asked a simple question like "Are you all right?" the person may scream, "I'm fine!" Many such persons don't understand that this is not appropriate.
- g. Maintain a safe distance. Provide the person with a zone of comfort that will also serve as a buffer for officer safety.

D. Taking Persons into Custody. Taking custody of a developmentally disabled person should be avoided whenever possible as it will invariably initiate a severe anxiety response and escalate the situation. Therefore, in minor offense situations, officers shall explain the circumstances to the complainant and request that alternative means be taken to remedy the situation. This normally will involve release of the person to an authorized caregiver. In more serious offense situations or where alternatives to arrest are not permissible, officers shall observe the following guidelines:

- 1. Contact a supervisor for advice.
- 2. Avoid the use of handcuffs and other restraints unless unavoidable. Use of restraints will invariably escalate panic and resistance.
- 3. Summon the person's caregiver to accompany the person and to assist in the calming and intervention process. If a caregiver is not readily available, summon a mental health crisis intervention worker.
- 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 if possible.
- 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 another officer who has experience in dealing with such persons. Provide the person with any comfort items that may have been in his or her possession at the time of arrest (e.g., toys, blankets, and 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.

	BRENHAM POLICE DEPARTMENT	
	Policy 9.1 Communications Procedures	
	Effective Date: 3/13/2014	Revised: 04/15/2021
	Approved: Ron Parker Chief of Police	
	Reference: TBP: 3.18.1, 9.01.1, 9.02.1, 9.03.1, 9.04.1, 9.05.1, 9.06.1, 9.07.1, and 9.08.1.	

I. POLICY

Accurate communication is essential in the operation of a department. The Communications Center is a 24-hour operation designed to provide safety and security to police personnel and respond to the needs of the public. It is essential that every step in our communication process be conducted concisely, effectively and properly.

II. PURPOSE.

To establish guidelines for the proper response to calls received through the 911 System.

III. DEFINITIONS.

- A. E 9-1-1: Enhanced 911 means when a 911 call is received, the address of the caller is displayed. The telephone number 911 is intended for emergency telephone communications to the department. (TBP: 9.05.1)
- B. Call-Taker: Any employee who answers an E9-1-1 telephone call.
- C. Unknown 911: That a call has been received on the E9-1-1 System and the caller will not or cannot communicate verbally with the call-taker. The address and telephone number of the caller will generally be available.
- D. Call-Taker Training Manual: The manual produced by the County 9-1-1 Emergency District for the purpose of uniform training of call-takers within the district's jurisdiction and including this department.
- E. ANI: Automatic number identification and refers to the display on the call-takers screen of the callers telephone number when the E9-1-1 line is answered.
- F. ALI: Automatic location identification and refers to the display on the call-takers screen of the callers address when the E9-1-1 line is answered.

IV. GENERAL

- A. The Communications Center operates 24 hours a day and has 24-hour two-way radio communication with all members of the department when operating in the field. (TBP: 9.01.1, 9.06.1)
- B. The Communications Center is a secure facility and no unauthorized personnel are allowed inside the facility without the express approval of a Communications Supervisor and/or the Chief of Police. (TBP: 9.02.1)
- C. All tours or visits of the facility will be coordinated and approved in advance by the Communications Center 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 mobile radios and cell phones for communications in the event of a power failure. In the event of an extended power failure and in-coming 911 calls are at risk, the 911 calls should be transferred to another PSAP and police and fire call response initiated by cell phone or mobile radio systems.
- F. The back-up generator is maintained by public works and receives a weekly test. (TBP: 9.04.1)
- G. The dispatch consoles have an instant recall recording system that records all telephone and radio transmissions, and allows for immediate playback if necessary. (TBP: 9.03.1)

V. ANSWERING CALLS FOR SERVICE

A. Call Taker Responsibilities

1. It is the responsibility of call-takers to answer E9-1-1 phone calls by saying, "911, what is the location of your emergency?"
2. All other calls such as information requests, directions, jail information, etc., that are received on an E9-1-1 line, will be immediately instructed to call back on a non-emergency number.
3. Call-Takers will not put E9-1-1 callers on hold until the call has been evaluated and there is a determination that placing the caller on hold will not further escalate the callers' emergency.
4. It is the responsibility of the call-taker to verbally confirm the ANI and ALI of all calls.
5. It is the responsibility of any call-taker who receives a hang-up or other unknown circumstance type of call, from a wireline, on an E9-1-1 line to:

- a. Dispatch two (2) units 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 established with the caller, the units will be so notified by the dispatcher prior to arrival at the location.
 6. It is the responsibility of any call-taker 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 call-taker will stay on the line to verify the transfer. Should the caller hang up, the call-taker will continue to contact the needed agency with the information and inform the agency that the caller disconnected before the transfer was completed.
 7. It is the responsibility of the Communications Supervisors to ensure that all call-takers have been trained and are familiar with the Call-Taker Training Manual AND Departmental General Orders.
 8. It is the responsibility of each call-taker to have a working knowledge of the Call-Taker Training Manual and adhere to the instructions contained therein.
- B. Call-takers shall complete the CAD dispatch screen with all appropriate information upon dispatching officers.

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 frequency on which they intend to transmit for a sufficient period to ensure that their transmissions will not cause interference to others.
 4. Duration of radio transmissions must be restricted to the minimum practical transmission time.

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 badge number. They should not continue the transmission until acknowledged by the dispatcher.
- C. Units will give their badge 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. Upon arrival at a scene, officers will notify the dispatcher if no other units are needed.
- G. If an incident is found to have occurred somewhere other than at the dispatched location, the officer will update their location by radio or via message to dispatcher.
- H. Upon completion of a call, officers will clear the call in the proper manner via radio or MDT/MDC and immediately go back in service.
- I. Lengthy transmissions should not be made on the radio system's primary channels. Long transmissions should be done over a secondary channel when available, as a CAD message, or via a cell phone if available. Long transmissions should always be held to a minimum.
- J. Employees will not become engaged in an argument on the radio. Conflict between an officer and a dispatcher should be referred to the employees' immediate supervisors for resolution.
- K. Officers shall refrain from seeking advice from a dispatcher regarding a point of law, enforcement action, or Department policy. Officers should consult their immediate supervisor on these matters or obtain the information from their laptop computers.
- L. Communication with interacting agencies will be by telephone.

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 to 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.
 - 1. When called upon by subordinates, supervisors will respond to any 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. Additionally, messages:
 - 1. Will not be personal in nature;
 - 2. Will not contain derogatory references to other persons or agencies; and
 - 3. Will not contain any text a reasonable person would find offensive.
- B. Because messages sent with the 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.
- C. There is NO EXPECTATION of privacy concerning sending or receiving messages via the CAD/MDT system.
- D. **Purpose:** To establish guidelines for use and security of the department-issued Mobile Data Terminal (MDT) equipment and related CJIS information. Failure to comply with this policy can result in disciplinary action or termination.
- E. TLETS Terminal – This term includes all computers (normally desktop) that have access, via wireless or hardwired network, to TLETS, TCIC, NCIC or any law enforcement database.

- F. MDT -Mobile Data Terminal. This term includes all computers that have access, via wireless or hardwired network, to TLETS, TCIC, NCIC or any law enforcement database.
- G. Secure location -This term includes the areas of Brenham Police Department that are not open to the public that have been properly marked by "Authorized Personnel Only" signs. This term also includes official police vehicles that are locked and/or attended by authorized sworn police personnel.
- H. Non-secure location -This term includes all locations not defined as "secure location" above.
Under no circumstances may the MDTs laptops ever be used in a non-secure location.

Procedure:

1. CJIS, TLETS, TCIC and NCIC data shall be accessed ONLY from secure locations, as defined above.
2. Each person authorized to access Terminal/MDT data shall receive security awareness training within six months of appointment or employment and thereafter at least every two years, in accordance with CJIS policy; this training will be documented.
3. Maintain a roster and/or agency-issued credentials (officer badge, access card, etc.) of authorized personnel with unescorted access into physically secure areas.
4. When transporting non-law enforcement personnel in police vehicles, officers will close the screen of the MDT or position it in a manner that will prevent unauthorized viewing of MDT data. TLETS terminal screens shall be positioned to prevent unauthorized viewing.
5. User/Operator List shall be reviewed annually and as needed; document when this was performed. Changes in authorized personnel will be immediately reported to TCIC Training section.
6. All printouts of CJIS data shall be promptly filed with the corresponding incident records. Otherwise, such printouts should be promptly shredded; if not shredded, then incinerated. Disposal or destruction is witnessed or carried out by authorized personnel.
7. All storage media containing or used for CJIS data that is no longer used shall be secure-formatted using methodology that over-writes all data in three iterations or degaussed prior to disposal or release for reuse by unauthorized personnel; if no longer needed, media will be destroyed. Inoperable electronic media shall be physically destroyed. Sanitation or destruction is witnessed or carried out by authorized personnel.
8. The Department shall keep a list of all MDT IDs and contact(s) so that devices can be promptly disabled, should the need arise.
9. The local CJIS network equipment shall be located in a physically secure location.
10. All law enforcement vehicles containing MDTs shall be securely locked when not in use.
11. All computers used for processing CJIS data shall have anti-virus software installed; all will have latest available updates for the operating system & anti-virus. MDT(s) shall have a personal firewall enabled
12. Employ a Formal Incident Response Plan. It shall be the responsibility of each authorized user to report any violations of this security policy up the chain-of-command and/or proper authorities.
13. No personal hardware (PC, laptop, etc.) or software shall be allowed on the agency's

TLETS network.

14. No publicly accessible computers shall be allowed on the agency's TLETS network.
15. The agency shall authorize and control information system-related items entering and exiting the physically secure location.
16. The agency shall establish a Security Alert and Advisories process.

Best Practices:

- a. Periodically check to ensure Servers/Terminals/MDTs connected to the CJIS network are receiving the latest updates in regards to the Operating System & Antivirus software; ensure personal firewalls are enabled on MDTs; ensure Sessions are locked within thirty (30) minutes on non-dispatch Terminals. Take appropriate action if required.
- b. Periodically check physically secure location(s) to ensure safeguards such as locks are in working order; Doors are closed & properly secured; Terminals are not viewable by unauthorized personnel. Take appropriate action if required.
- c. Periodically check to ensure that all network components (routers, firewalls, switches) that process CJIS information are still supported by the manufacturer. If warranties/contracts are in place, ensure they are valid and not out of date. Take appropriate action if required.
- d. Periodically check pertinent documents to ensure they are up to date. Take appropriate action such as making editing changes or replacement if required.

XII. CALL HISTORY

The following information will be created and maintained regarding each request for police services (call for service) and officer self-initiated activity and will include:

- A. Case or service number;
- B. Date and time of request;
- C. Name and address of complainant, if possible;
- D. Type of incident reported;
- E. Location of incident reported;
- F. Identification of officer(s) assigned as primary and backup;
- G. Time of dispatch;
- H. Time of officer arrival;
- I. Time of officer return to service; and
- J. Disposition or status of reported incident.

XIII. RADIO UNIT DESIGNATIONS

- A. All Units

1. All Officers shall be identified by an assigned four-digit number.

XIV. ASSIGNMENTS OF CALLS FOR SERVICE

- A. Communications center personnel in responding to victim/witness calls for information or service will determine whether an emergency or non-emergency response is required and inform the victim/witness of the department's response.
 1. 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.
- B. Communications radio and telephone conversations recordings will be maintained for two years plus current year and are digitally recorded and secured. Reviewing recorded conversations will be conducted:
 1. For Quality assurance for EMD protocol. Medical calls shall be randomly reviewed.
 2. Upon requests by internal and external sources or personnel such as the District Attorney Office, department investigators, Internal Affairs, etc.
 3. To randomly monitor staff for training purposes.
- C. Death messages, other criminal justice agency messages and check welfare calls will be entered as a call for service and require officer response.
- D. To improve the use of patrol time, administrative law enforcement personnel will handle calls for service for those that can be completed over the telephone. This does not preclude patrol officers from answering report type calls for service.

XV. TELE COMMUNICATOR TRAINING (TBP: 3.18.1)

- A. TCIC and NCIC Operations
 1. The Communications Center has access to TCIC and NCIC systems. (TBP: 9.07.1)
 2. All tele communicators will be trained in TCIC/NCIC Full Access and will comply with all rules and regulations regarding operation of the systems.
- B. Communications Officers shall also receive full training in:
 1. TCOLE Basic Telecommunications Officer Course
 2. Operations of the Computer Aided Dispatch System
 3. City and Agency Departmental Policies

XVI. WARRANT MAINTENANCE (TBP: 9.08.1)


- 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 alphabetical order of the wanted person, last name first.
- D. New Warrant Entry
 - 1. New warrants shall be directed to the appropriate tele communicator 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 entry paperwork and the warrant will be filed in the proper warrant file.
 - 2. Only members of the Communications team 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 tele communicator will attempt to locate the original warrant in the warrant file.
 - 2. If the original Warrant is located, the tele communicator shall confirm the presence of the Warrant and provide any identifying information such as description, driver's license or other identifying numbers, to ensure the proper person has been stopped.
 - 3. If the officer states that it is the correct person and that an arrest is made, the tele communicator will provide the warrant number, date of warrant, charge, amount of bond, and provide their name.
 - 4. If the officer is from this agency, he/she will pick up the original warrant before delivering the prisoner to the jail. If the officer is from another jurisdiction, the tele communicator will teletype the warrant information to the appropriate location and place the original warrant in the appropriate pick up location.
 - 5. Tele communicators will not confirm a warrant without physically obtaining the original warrant.
- F. Removal of Warrants
 - 1. After a warrant has been confirmed and an officer has arrested the individual, the tele communicator will copy the warrant before pick up by the officer. The tele communicator will remove the warrant from the TCIC/NCIC computer file, note the time and date removed and their initials on the front of the copy and place the copy in the PD TCIC removals mailbox.
 - 2. The Communication's Supervisor will run a computer check to ensure the warrant has been removed from the respective files.

3. Original warrants that have been served by other jurisdictions shall be forwarded back to the originating officer for delivery to the appropriate court.

G. File Audits

1. To ensure the integrity of the warrant file, the TAC (terminal agency coordinator) will conduct audits as required by TCIC/NCIC.
2. The TAC 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 will remain in an active status until such time as the warrant is served or the Municipal Court recalls the warrant for further disposition.
4. TCOLE Basic Telecommunications Officer Course
5. Operations of the Computer Aided Dispatch System
6. City and Agency Departmental Policies

	BRENHAM POLICE DEPARTMENT	
	Policy 9.2 TCIC/NCIC Guidelines	
	Effective Date: 11/09/2017	Revised: 11/09/2017
	Approved: Ron Parker Chief of Police	Reviewed: 04/15/2021
Reference: NCIC Operating Manual, III, Introduction Section 2.1.4, CJIS Security Policy (4.6, 4.7)		

GENERAL

1. All communications operators will read and initial all CRNEWS and TLETS newsletters and all posted notices. We will keep a permanent file of these notices in the communications area for reference.
2. The teletype terminal will be kept secure at all times, and access will be restricted to authorized personnel only.
3. All problems relating to TCIC/NCIC will be forwarded to the Terminal Agency Coordinator for resolution.
4. The department's participation in the TCIC/NCIC system is conditional upon our adherence to policy as set out in the NCIC Operating Manual and applied through these guidelines. We are subject to audit by the DPS and/or FBI on a triennial basis for compliance to all TCIC/NCIC policies.

HANDLING OF INFORMATION OBTAINED OVER THE TLETS TERMINAL

1. Who can request information?

Within the department, only commissioned officers and other authorized persons will be allowed to request teletype inquiries of any kind.

Requests from outside the department will be honored when the identity of the requestor can be verified as a commissioned officer, or other authorized person (probation officer, parole officer, judge, etc.) who is making the request for a criminal justice purpose. Appropriate logging for CCH information, as indicated below, is mandatory.

All authorized personnel are responsible for limiting their requests to official, criminal justice purposes only.

2. Stolen and Wanted Information

Stolen and wanted information can be requested by officers as needed. No dissemination log is necessary, and the information can be broadcast over the radio without restriction, except as necessary to safeguard the officer.

We will always check for TCIC/NCIC warrants on incoming arrestees and prisoners as they are being released.

We will check for wanted using all alias names, dates of birth, and identifying numbers that come to our attention for each subject.

When an NCIC inquiry yields a hit, the terminal operator will note on the printout precisely how, when, and to whom the information was given; initial and date this notation, and forward to the inquiring officer or agency for retention in the case file.

We will obtain hit confirmation from the entering agency before taking any of the following actions on hits:

- a. Arresting the wanted person
- b. Detaining the missing person
- c. Seizing the stolen property

3. Criminal History Information

Criminal history information is confidential and certain restrictions apply to the purposes for which it can be requested, and how it can be disseminated.

- a. Who can request Criminal History information?

Within the department, only commissioned officers and other authorized persons can request criminal history checks. These requests can be made through appropriate personnel. Logging, as indicated below, is mandatory

Requests from outside the department will be honored only when the requestor can be verified as an authorized person as indicated in PART 10 of the NCIC Operating Manual, "Who May Access Criminal History Data." Logging, as indicated below is mandatory.

- b. Purposes for which CCH can be requested:

Must be criminal justice investigation or investigation of background of a criminal justice applicant (applicant at the police department, sheriff's office, or other criminal justice agency--not at a noncriminal justice city or county office). It cannot be requested by anyone regardless of rank or status for any other purpose. The telecommunications operator will report to his/her supervisor any CCH inquiries that he/she knows are for unauthorized purposes.

It is also permissible to run a CCH on an individual to whom a weapon will be returned. The appropriate purpose code for this inquiry is PUR/F.

CCHs must also be run prior to entry of warrants, missing persons and protective order records. Per NCIC Operating Manual (page 2 of introduction), all records must be kept accurate and up to date with all available information. In keeping with NCIC policy, CCHs must also be run when these records are validated each year.

No one shall request inquiries for unauthorized purposes or persons.

c. Logging of CCH inquiries:

Requestors must be properly identified in the "REQ" field and "ATN" field. If numbers are used in the REQUESTOR and ATTENTION fields along with the requestor's last name, numbers must be unique to your department and not be reissued to another employee when the current holder is no longer employed by your agency. You may use the title and full name of the requesting party in the "Requestor" or "Attention" field (example: REQ/Officer Betty Rhoades; REQ/Chief Roy Davis; ATN/Officer Don Stone; ATN/Neil Brooks DA). The preferable method is to use the title along with the first and last name of the Requestor.

If the requestor is an authorized person from another agency or office, identify that person by name and the name of their agency or office in the "REQ" and "ATN" fields (example: REQ/Officer Tim Moon Anywhere PD; ATN/DA James Wood). If you are authorized to use the other agency's ORI, you must use their ORI instead of your own ORI.

The person actually operating the terminal must be properly identified in the "OPR" field. You cannot use first names only or initials or non-unique numbers. The preferable method is to use the first and last names of the person actually operating the TLETS terminal (example: OPR/Vera Patterson; OPR/Norman Green).

Train your operators to be consistent in identifying the REQUESTOR, ATTENTION, and OPERATOR fields.

**** (Manual logging of QH and QR inquiries is optional but highly recommended.)****

The Privacy Act of 1974 requires the FBI to maintain an audit trail of the purpose of each disclosure of a criminal history record and the recipient of that record. Therefore, inquiries and record requests transmitted to III must include the purpose for which the information is to be used. (NCIC Operating Manual, III, Introduction Section 2.1.4)

Pursuant to FBI policy which states that an agency must be able to provide a reason for running a CCH/III inquiry, TLETS-provided screens for criminal history inquiries will contain a new optional field, RFI (reason for inquiry). All

personnel are encouraged to submit information in this field whenever possible. When used, the RFI field may contain up to 75 characters (alphabetic/numeric/special characters). Some examples of RFI: booking classification, traffic stop, drug investigation, jailer applicant, warrant entry (or validation). A case number may also be included with the reason, but is not required. Recent FBI/NCIC audits have caused the DPS to create this new field to allow the local agency, and the DPS, to capture additional information regarding criminal history transactions and store that information in the automated DPS transaction logs.

d. Dissemination of CCH information:

The Criminal history information obtained over the teletype will be given only to the person in the REQ, ATN, or written log. It can be passed to that person through an appropriate support person.

The officer receiving the information is responsible for keeping the printout secure and immediately returning it to the appropriate file or properly disposing of it.

If someone outside the department needs a CCH printout, another CCH inquiry will be made because of the frequent updates/revisions to the NCIC III and TCIC CCH records.

We will maintain an audit trail of the handling of the printout within the department by keeping it with the case file at all times, or by disposing of it immediately after its use when there is no case file.

**** (Making the requestor sign a manual log for the printout is optional, but recommended. You must establish procedures for both the storage and destruction of received information. The destruction process must provide an audit trail either by logging or by the implementation of standard or auditable agency procedures to assure that destruction is accomplished by regular routine steps. A manual log with a "Disposition of Printout" column would be a good way to start an audit trail.) ****

e. Broadcasting of CCH information:

Criminal history data may be transmitted over any electronic device when an officer determines there is an immediate need for this information to further an investigation or there is a situation affecting the safety of an officer or the general public.

We will not indicate over the radio whether or not a subject has a criminal history in situations where the officer has not determined a need for the record information.

f. We will check for criminal history on all alias names, dates of birth, and identifying numbers that come to our attention for each subject. The

responses that we receive over the teletype are possible identifications only; we will have to submit fingerprints to DPS to obtain positive identification.

4. Policy Violators


- a. Department personnel violating TLETS/NLETS, TCIC/NCIC policies are subject to administrative and/or criminal sanctions based upon the severity of the misuse. Violations will be handled on a case by case basis by the agency administrator and may lead to the following action(s):
 - written or verbal counseling,
 - written or verbal reprimand,
 - suspension, termination, or prosecution under Government Code 411.085.

DISPOSAL OF ALL MEDIA

CJIS Security Policy (4.6, 4.7)

When no longer usable, diskettes, tape cartridges, ribbons, hard copies, print-outs, and other similar items used to process CJIS data shall be destroyed by shredding (which must occur before destruction), incineration, or degaussing, considering whichever method is available, appropriate, and cost effective. This list is not all-inclusive.

IT systems which have processed or stored CHRI shall not be released from control until the equipment is sanitized and all stored information has been cleared. The sanitization method shall be approved by the CSO.

	BREHAM POLICE DEPARTMENT	
	Policy 10.1 Prisoner Processing	
	Effective Date: 7/15/2011	Revised Date: 04/15/2021
	Approved: Ron Parker Chief of Police	
	Reference: TBP: 10.10.1, 10.12.1, and 10.22.1.	

I. POLICY

This department does not maintain or operate a holding facility. All persons taken into custody are taken directly to the Washington County Jail. The policy of this department is to process prisoners without delay and safely transport them to the County Jail as soon as possible.

II. PURPOSE

To provide operational procedures for transport of prisoners to the County Jail.

III. GENERAL ISSUES

A. Supervision

The operational policies and supervision of County Jail is the responsibility of the Sheriff. Members of this agency will conform to their requirements when processing prisoners for holding in their facility. Any difficulties encountered by members of this department should be brought to the attention of a department supervisor as soon as possible.

B. Access to Facility

Access to the county jail is limited to authorized sworn personnel. Juveniles are prohibited from entering the facility at any time. Juveniles taken into custody are transported immediately to the juvenile's home, to the juvenile processing room and the police facility, or to the County Juvenile Detention Facility.

IV. FACILITY SECURITY

A. Firearms and Weapons

1. Weapons may be secured in an appropriate lock box or secured in the officer's vehicle trunk prior to entering the facility. No firearms or other weapons are allowed in the jail area.

2. Weapons (that are not contraband) that are not part of an investigation but are part of prisoner's property will not be placed in prisoner's property in the holding facility unless approved by jail staff, but will be placed in the Brenham Police Departments property / evidence room for safekeeping.

V. PRISONER PROCESSING

A. Prisoner Control and Security

1. All arrested persons are thoroughly searched for weapons and contraband at the scene of the arrest prior to being placed in a police vehicle. Any contraband located on the arrested person is considered evidence, is seized, and properly secured as evidence. Any property removed from a suspect shall be securely maintained by the arresting officer and released to the custody of the County when the individual is booked into the Jail. (TBP 10.10.1)
2. Persons arrested by this agency may be transported to the department facility for paperwork processing prior to transport to the County Jail. At no time will any person arrested or detained be left alone while in custody in the police vehicle or while in the department facility. While on scene of an arrest the subject can be left in the vehicle unattended while in view of the arresting officer or assisting officer(s).
3. Persons to be detained in the County Jail are escorted into the facility through the holding facility door near the sallyport.
4. Upon arrival at the facility, arrested persons are taken immediately to the booking room for processing into the facility. The arrested person may be placed in the temporary holding cell pending the arrival of the booking officer if transported by an assisting officer.
5. All booking activity, including interviews, fingerprinting, photographing and similar actions is conducted while the arrested person remains in the booking room.
6. Officers will take extra precautions to ensure that all items taken from a prisoner in the field are turned over to the County for safekeeping and release to the individual when they are released from Jail.

B. Juvenile Detentions

1. If the child is detained and transported to the police building, they are only detained in the area designated as Juvenile Processing Office. Under no circumstances is a child who is in custody left unsupervised. All children held at the police facility remain out of sight and sound of adult prisoners.

2. A child who is being held for a status offense is not be detained in a secured area or any locked room. Status offenders are held in non-secured area, out of sight and sound of adult prisoners.

C. Medical Attention (TBP: 10.12.1)

1. Should an arrested person have obvious injuries or complain of injury or illness, the arresting officer will ensure the individual is examined by either EMS personnel or medical personnel before transport to the County Jail.
2. If the severity of medical conditions is unclear or if a prisoner requests medical attention, he shall be transported as soon as possible to a medical facility for evaluation. If available, the arresting officer shall be responsible for transporting the prisoner to and security of the prisoner while at a designated medical care facility.

D. Fingerprints and Photographs

1. Those individuals being charged with a class B misdemeanor or above require the State issue CJIS card and any supplemental cards as required.
2. Those individuals being charged with a felony also require a FBI card.
3. Those individuals being charged with a class C misdemeanor are not required to be fingerprinted, unless in the opinion of the booking officer the fingerprints would be useful in the fullest identification of the arrested person.
4. All individuals detained will have a current booking photo made.

E. Arrest Reports

1. All individuals detained will have an Arrest Report completed using the computerized offense and arrest report system.
2. Arrest reports contain information about the offense and the probable cause to believe the person committed the offense or a reference to an offence report where such information is provided.
3. Arrest reports are completed in the format provided in the computer system.
4. All arrest reports and any complaints will be completed by the arresting officer prior to end of shift and copies provided to the County Jail personnel.

F. Receiving Prisoners from Other Agencies

1. Prior to accepting prisoners from other agencies, the receiving officer ensures the following:
 - a. Positive identification of the detainee
 - b. Positive identification of the officer delivering the prisoner
 - c. Requesting officer required to provide telephonic or written confirmation of the reason for the incarceration. (Copy of Offense report, arrest report, warrant and bond information if any)
 - d. Ensuring an offense has occurred and authority for arrest exists.

G. Transportation of Prisoner to other Agencies

1. Officers transporting prisoners to other agency will ensure they:
 - a. Comply with the other agencies rules including locking up all weapons prior to entering the facility.
 - b. Ensuring the prisoner remains handcuffed until released to their custody.
 - c. Provide the receiving agency with all necessary paperwork and prisoner's property.
2. Officers picking up prisoners from the county will inquire about any physical or mental problems the prisoner may have. All of the prisoner's property will be signed for by the prisoner and provided to the transporting officer for safekeeping. (TBP: 10.10.1)

VI. PRISONER RIGHTS


A. Access to Consul (TBP: 10.22.1)

1. Regardless of the claim of immunity, in any case where officers arrest or detain foreign nationals, the suspects shall be advised of their right to have their consular officials notified. In some cases, this notification is mandatory. Note: The list of countries which require mandatory notification of consular officials in the event that one of their citizens has been arrested is extensive. The State Department shall be contacted for guidance. Notification or refusal is noted in the arrest report.

B. DWI Blood Tests

1. Suspects arrested for DWI and submits to the taking of a specimen of breath, blood, urine, or another bodily substance at the request or order of a peace officer may, within a reasonable time not to exceed two hours after their arrest request to have a physician, qualified technician, chemist, or registered professional nurse per TRC 724.019. Individual

should be allowed access to a telephone for this purpose as soon as possible if requested. A peace officer or law enforcement agency is not required to transport for testing a person who requests that a blood specimen be taken under this section.

	BRENHAM POLICE DEPARTMENT	
	Policy 12.1 Property and Evidence Management	
	Effective Date: 7/15/2011	Revised: 04/15/2021
	Approved: Ron Parker Chief of Police	
Reference: TBP: 12.01.1, 12.03.1, 12.04.1, 12.05.1, 12.06.1, 12.07.1 and 12.08.1.		

I. POLICY

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. The purpose of Property and Evidence Management is to maintain those property items coming into the possession of the department in such a manner as to secure them from theft, loss, or contamination, and to maintain them for easy retrieval as needed.

II. PURPOSE

The purpose of this order is to establish property room procedures and protect the integrity of the Property and Management system.

III. ORGANIZATION AND ACCOUNTABILITY

- A. The Chief of Police will appoint a primary and alternate Property Custodian. The Property Custodian is responsible for maintaining security and control of property and evidence that the department acquires through normal duties and responsibilities. The alternate serves as backup when the assigned Property Custodian is unavailable.
- B. The Property Custodian reports to the Administrative Captain, who is accountable directly to the Chief of Police.
- C. The Property Custodian shall satisfactory complete a TCOLE approved basic course on the management of the property function, on the job training, and other related training courses, seminars and/or conferences as appropriate.
- D. Duties Responsibilities
 - 1. The primary duty of the Property Custodian is to log, classify, store, dispense, destroy, and release property and evidence to its rightful owner, for court presentation and/or for destruction or auction. Additional duties include, but are not limited to the following:

- a. Maintain evidence or property in such a manner that the individual items are secure from theft, loss, or contamination, and can be located in a timely manner.
- b. Maintain property reports and other documentation associated with the “chain of custody” for all property.
- c. Ensure the timely and legally correct notification of owners and release/disposal of property recovered, found, or seized by the Police Services.
- d. Operate computer terminals to access information regarding case dispositions and other related information involving the classification and proper disposition of property/evidence.
- e. Coordinate the disposal of unclaimed and/or surplus property and the special disposal of narcotics, weapons, explosives, and hazardous materials pursuant to law.
- f. Release of property for court, auction, disposal, or person legally entitled to the item.
- g. Field Training Officers provide in-service training to department personnel regarding the appropriate logging, packaging, documenting, and storage of property and evidence.
- h. Provide effective liaison between the department and local, county, state and federal law enforcement agencies.
- i. Represent the department while attending state and local associations involved with the management of property and evidence.
- j. Stay abreast of local, state, and federal law involving property and evidence handling. Recommend and facilitate appropriate changes.
- k. Maintain a clean and orderly property storage facility

IV. FACILITIES SECURITY (TBP: 12.04.1)

A. Access

1. The Property Room is maintained as a secure location. Access to the Property Room and all other temporary or long-term property storage areas is restricted to the Property Custodian, and alternate Property Custodian. All other entry into the property room by any person is noted in the Property Room entry log.
2. Other department personnel do not enter property storage areas unless escorted by a Property Custodian. Except for the Property Custodians, all Department personnel, visitors, contractors, etc. who enter the Property Room must be listed on the visitor’s log (citing the date, duration and purpose of the visit).
3. Property or evidence is only removed from its storage location by the Property Custodian or the authorized designee.
4. The doors, gates, or other closure devices to any storage area are secured whenever the Property Custodian or other authorized personnel leave or are not present.

B. Key Control

1. One key or key fob is required to open the main property room doors. The Property Custodian and alternate are the only individuals with access to the keys.
2. Property room personnel may not relinquish property room keys, to anyone other than authorized personnel.
3. When Property Custodians leave their assignment, the Chief of Police ensures that all locks are changed.
4. New locks are installed in the event that a key is lost or security is otherwise compromised.

C. Other Security

1. Firearms storage is separate from other property in the property room, secured in the long gun storage area. The gun room remains locked at all times unless property is being stored, removed, or inventoried.
2. Controlled substances storage is separate from other property in the property room and secured in the narcotics room. The narcotics room remains locked at all times unless property is being stored, removed, or inventoried.
3. Money is separate from other property in the property room and secured in a locked safe. The safe remains locked at all times unless property is being stored, removed, or inventoried.

V. CATEGORIES OF PROPERTY

A. For the purpose of these procedures, property in police custody falls into these categories:

1. Evidence. Evidence is property that comes into the custody of a police department employee when such property may tend to prove or disprove the commission of a crime, or the identity of a suspect, pursuant to an official criminal investigation. Evidence or assets seized for forfeiture are handled in the same manner as other evidence.
2. Found Property. Found Property is property of no evidentiary value, which comes into the custody of an agency employee, and whose rightful owner may, or may not, be known to the finder or the department. Due diligence must be exercised to discover the rightful owner. If the owner cannot be located, the Department will dispose of the property in a time and manner prescribed by law.
3. Safekeeping. Safekeeping is property of no evidentiary value surrendered to an employee of this agency for temporary custody. This arrangement comes

with the understanding that the person surrendering the property has the legal right to do so, and that the property will be returned to the rightful owner(s) at the end of a specified period, unless disposition by the Department, in a manner prescribed by law, is requested by the owner(s).

VI. DOCUMENTATION & RECEIPT OF PROPERTY (TBP: 12.01.1)

A. Documentation of Property

The police employee accepting that property documents the details upon taking property in to the Department. That report contains a description of the item, along with all other pertinent details of how the item came into possession. The report must also include complete information on the person who found the property, or from whom it was seized or recovered.

B. Receipt of Property

1. The police employee provides a receipt to any person when taking property regardless of the classification of that property.

C. Computer Inquiry & Entry

1. All employees make the appropriate inquiries to the TCIC on all serialized or identifiable items collected or seized prior to placing the item into storage. This determines if the property is reported stolen or otherwise entered into the statewide system.
2. Dispatch verifies all "hits" prior to confiscating the item. After verification, a dispatcher sends the "locate" information.
3. The offense and property report reflects the status of the property items. The report also indicates that a "locate" was sent to the originating agency. It is the originating agency's responsibility to update the TCIC information from stolen to recovered status.

D. Property Forms

The property and evidence function requires the use of the following forms:

1. Evidence Envelopes, Bags and Boxes
 - a. Evidence envelopes, bags and boxes serve as the primary method for submitting property for storage. A listing of the case number, date, location, applicable names, description of property and officer's name and ID number properly identify the property and its origin.
 - b. Chain of Custody Form submitted with each property container (bag, box, etc), tracks the movement or release of the item.
 - c. Property Tag. Officers affix a property tag securely to items that do not fit into evidence envelopes, bags or boxes. This tag designates the

case number, date of submission, and name and ID number of the submitting officer.

- d. Money Form. This form serves as the sole method for logging cash money into the property room. Cash is defined as coin and/or currency. Checks, credit cards or other negotiable items do not require the use of a money envelope. The Property Custodian does not accept money not packaged or logged appropriately, according to the following procedures:
 - i. Itemize money by denomination, listing subtotals and total amounts.
 - ii. All money logged into the property room requires at least two officers or employees to verify the count.
 - iii. All money envelopes must contain at least two signatures verifying the amount listed and enclosed. The entering officer and verifying officer sign their names and numbers to the front of the envelope, seal the envelope with tamper-proof security tape. Both then initial the back of the envelope prior to entering it into the property locker. For accuracy, conduct two separate counts on large amounts of cash.
 - iv. Extremely large amounts of coin and/or currency seized which, because of the container or quantity of money, make it impractical to package in a money envelope (e.g., coins stored in a large piggy bank or bottle, large amount of bills in a briefcase or satchel, etc.). In those rare cases, it is acceptable to log the container as is. However, the need for a money count 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 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 from foreign currency should reflect that the envelope contains foreign currency.
- e. Receipt for Property. The Receipt for Property Form serves as a receipt for property taken into custody and documents the release of property to other entities. The Receipt for Property Form also authorizes the release of property. No property is released without a completed Release Form.

VII. LOGGING PROPERTY & EVIDENCE

- A. Officers who seize property and are able to determine ownership in the field may release the property immediately to the owner if the property is not needed for prosecution in a criminal case. Officers should make contact with the investigating officer or the District Attorney's office if necessary to determine prosecutorial need. If the property can be released in the field, the officer will complete a Receipt for

Property Form and have the owner sign for receipt of the property. The form is turned in to the Patrol Support Specialist where it will be entered into the system and shown to have been released in the field. (TBP: 12.06.1)

- B. Property that is seized by the department and not immediately released to the owner will be entered into the computer system and secured in the Property Room as soon after seizure as possible. Personal lockers, files, or desks are not approved storage for property or evidence items. Officers will log all property and evidence into the property room before the end of their shift. (TBP: 12.03.1)
- C. Maintaining property/evidence in a case file may be acceptable when it is necessary for the proper investigation of the case by the assigned detective; however, the property/evidence must first be logged into the property system and then signed out. The detective signing out the property /evidence is responsible for the evidence until returning it to the property room. The detective is also responsible for the integrity of the evidence while checked out.
- D. Marking and Packaging
 - 1. All collected property is marked for identification and packaged to avoid contamination.
 - 2. Permanent and distinctive marks such as initials, ID numbers, and case numbers should be marked directly on objects collected (when possible) without damaging the evidence.
 - 3. When unable to mark the exhibit itself (such as in the case of stains, hair, blood, controlled substances, etc.), place the item in a vial, envelope, container or other suitable package, then seal and mark the container.
 - 4. There are a variety of containers and materials for use in packaging physical evidence and other property. Officers strive to use the size and type container appropriate for the type of property. An assortment of packaging materials and supplies for this packaging are hallway in the two packaging areas. The Property Custodian is responsible for maintaining property packaging and storage supplies.
 - 5. Always package FIREARMS, MONEY AND CONTROLLED SUBSTANCES separately from other property or evidence items.
 - 6. Firearms Evidence - The collection of firearms is appropriate for both criminal and non-criminal cases. Due to the very nature of these items, extreme care is taken to ensure the safe handling of the weapon and preservation of its evidentiary value.
 - a. Firearms: NEVER PLACE A LOADED FIREARM INTO AN EVIDENCE STORAGE LOCKER.
Exception: Officers who cannot unload a weapon due to a mechanical defect must attach a warning note to the weapon indicating it is loaded.

The Property Custodian arranges for the range master (or qualified designee) to unload the weapon prior to placing it in storage or transporting it to the laboratory. Unfired cartridges may be left in the magazine provided the magazine is removed from the gun. Weapons are unloaded ONLY after noting the position of the bullets, empty cartridges, safety, bolt, breechblock, hammer, cylinder, magazine, etc.

7. Hazardous Materials / Devices: NEVER transport or store any unexploded (or suspected unexploded) device in or about the police facility. NEVER transport or store any Class A explosive such as dynamite, desensitized nitroglycerin, large quantities of fireworks or more than one pound of black powder in or about the police facility.
8. Money: Itemize all monies by denomination and quantity on the approved money form before placing it into a property locker.
9. Jewelry: Package jewelry items individually in an envelope, box, bag, or other suitable container as appropriate.
10. Bicycles: All bicycles, or portions thereof, retained by police services are placed into the large evidence room until proper disposal time.
11. Motor Vehicles: Motor vehicles requiring retention are stored at Brenham Police Department. Small motorized scooters are stored in the large evidence room. Note: Vehicles may be temporarily stored at the police facility while being processed during a crime scene search. The keys for motor vehicles retained as long-term evidence (homicides, fatal traffic accidents or serious hit and runs) are turned in as evidence.
12. License Plates: License plates are the property of the Department of Motor Vehicles (DMV) from the state of jurisdiction. The public is permitted to use the license plate when the annual fees have been paid. License plates maintained as evidence are logged into evidence. Officers attempt to return found license plates to their owner. If that is not feasible, the officer logs the plate into property.
13. Alcohol: Open containers of alcohol are not logged into the property room. The investigating officer pours out the contents at the scene. The officer then describes the condition of the container and its contents in the police report. Officers avoid booking large quantities of alcoholic beverages into evidence. In rare situations when a sample of the evidence is necessary for prosecution, retain one unopened container (bottle, can, etc.), photograph, and destroy the remainder on video.

VIII. TEMPORARY STORAGE FACILITIES

- A. After property is marked for identification and packaged, officers deposit the property into one of the following temporary storage areas:

1. Metal Storage Lockers: Individual metal property lockers are located in the wall of the property room. Officers lock the property into one of these lockers, which is also for the deposit of small evidence items, undeveloped film, license plates, etc.
2. Large Enclosure: All bicycles, large items, or parts thereof, are temporarily stored in the large evidence closets located on the west side of the Police Department.
3. Refrigerator: A refrigerator and freezer are located in the hallway area across from the report writing room. Items that require refrigeration are placed into this temporary locker or, during normal business hours), given directly to the Property Custodian for securing in property.
4. Hazardous Materials Storage Locker
 - a. The officer consults with a member of fire services on any unknown substance prior to securing the substance. Officers ensure contact with supervisors to determine appropriate measures for storage or destruction.
 - b. Fireworks are not stored, but instead photographed. All fireworks are transported to the fire department for destruction.

IX. PROPERTY ROOM COLLECTION, INVENTORY & STORAGE

A. Property Collection

1. On a daily basis, the Property Custodian or alternate inspects all storage lockers, bins, and annexes to remove and process all property items.
2. The Property Custodian or alternate also complete the following:
 - a. Makes the appropriate entries into the automated property system,
 - b. Stores each item in the approved locations.
 - c. Arrange for transportation to the laboratory for examination as required, and
 - d. Arrange for destruction, release to owner, auction or other authorized disposition as appropriate.

B. Property Inventory

1. The Property Custodian accounts for every item submitted into the property system. This process begins at intake.
 - a. The Property Custodian or alternate compares items listed on the property forms with those actually found in temporary storage. If any item is missing, the Property Custodian immediately notifies the on-duty Supervisor. The submitting officer and/or supervisor then correct the discrepancy.

C. Improperly Submitted Property – “Right of Refusal”

1. Officers submit every item into property in a safe and thorough manner consistent with these guidelines and policy.
 - a. The Property Custodian has the authority to refuse acceptance of any property item submitted in an unsafe, incomplete, or otherwise improper manner as defined in this manual.
 - b. Property room personnel SHALL NOT accept any money or controlled substances in which the seal, envelope, packaging or container has been opened, tampered with, or otherwise improperly submitted.
 - c. The Property Custodian immediately notifies the on-duty Supervisor, who follows up with the submitting officer's supervisor.
 - d. All personnel immediately correct a breach in safety protocol.

D. Property Storage

The following types of property and evidence are stored separately and according to the listed guidelines. Other miscellaneous types of property may be stored separately as the Property Custodian determines.

1. Firearms
 - a. The Property Custodian stores all firearms in containers (boxes) specifically designed for handgun, rifle and/or shotgun. Exceptions can be made for those weapons which, due to size or other considerations, are not compatible for storage in such containers.
 - b. The Property Custodian segregates all firearms from other types of property retained. All firearms, REGARDLESS OF PROPERTY CLASSIFICATION, are stored in the weapons room inside the property room. The weapons room remains locked at all times unless property is being stored, removed, inventoried, or inspected. All ammunition is removed from firearms and stored in close proximity of the weapon.
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 room inside the property room. The narcotics room 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.
- 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.
- b. The Property Custodian deposits smaller amounts of money to the city cashier.
- c. Exception: When the money itself is evidence, subject to forfeiture (drugs), or examination, it remains in the safe until the CID Supervisor clears it for deposit.
- d. The Property Custodian only opens sealed containers to release the money to its rightful owner or transfer the money to a financial institution. At least one city employee with Finance is present when opening any money envelope.
- e. The Property Custodian secures negotiable stocks, bonds, or bank securities in the safe with other money items. He assigns no value to the securities for purposes of showing a recovery value.

4. Homicides

- a. The Property Custodian stores all items of evidence associated with a homicide case together, unless that evidence requires storage elsewhere for additional security or safety measures.

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, are stored away from the property room and inside an appropriate space.

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 remain 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:
 - 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. 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, the Property Custodian will 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, the Property Custodian request a stolen check through TCIC/NCIC to confirm that the status of the firearm.
 - i. If the Property Custodian is unable to they shall meet with a sworn officer with this department to have the receiving

persons criminal history checked, and the firearm checked to determine if it has been reported stolen.

X. PROPERTY & EVIDENCE RELEASE GUIDELINES

A. Persons Authorized to Release Property

1. The following persons may authorize the release of property under the provisions of this manual:
 - a. The investigating officer, assigned investigator, or the investigator's supervisor,
 - b. The Chief of Police,
 - c. A magistrate,
 - d. The District Attorney's Office, and
 - e. In cases of found property and property impounded for safekeeping, the impounding officer or property custodian.

B. Release Authority

1. A court order is required for the release or disposal of property seized pursuant to a search warrant.
2. Court action involving all suspects must be final and the District Attorney's Office must approve the release.
3. All evidence or property collected in homicide cases is stored until the death of the defendant(s) or 99 years from the date of incident.
4. 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,
 - c. Indecency with a Child, Injury to a Child , Sexual Assault
 - d. 7 Years Misapplication of Fiduciary Property
 - e. 5 Years Burglary, Theft, Robbery, Arson, Kidnapping, Abandoning a Child
 - f. 3 Years All other felonies.
5. The Property Custodian 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 or released purely in the interest of justice when the statute of limitations has not expired. This applies to any felony or misdemeanor case.
7. The Property Custodian retains any property requested for civil litigation until approved by the CID Supervisor. The CID Supervisor or the Chief of Police contacts the City Attorney prior to disposal of property cases where the City is party to civil litigation.

C. Disposition Classifications

The following are disposition descriptions for determining the retention, release, or disposal of property:

1. Convicted
 - a. The Property Custodian sends the prosecuting attorney a Request for Disposal on cases with no appeal, all charges disposed, and no other parties remain. The prosecuting attorney determines if the property is ready for release or disposal.
 - b. If there are still outstanding charges against a defendant (and the individual is within the court system) the property remains in inventory pending a disposition of the charge.
2. Dismissed for Insufficient Evidence
 - a. On cases dismissed for insufficient evidence, the Property Custodian files a destruction order with the court.
3. Diversion
 - a. If the defendant has been enrolled in a Diversion Program, the property is held until the completion of the program plus the statutory 90-day follow up.
4. Detention Only – No Charges Filed
 - a. The Property Custodian contacts the investigating officer for authorization to release/dispose of property.

D. 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. Exception: If sufficient evidence exists to file an asset forfeiture case, funds likely coming from illegal activity are retained. In addition, if the owner claiming a firearm is not legally entitled to a weapon under the provisions of the law, or prohibited from possessing a weapon, the Property Custodian obtains a destruction order or release from the court.
 - d. Pursuant to Code of Criminal Procedure Art. 18.17, any found property having a value of \$500 or more and the owner is unknown, will be advertised as found in a newspaper of general circulation prior to forfeiture to the city or destruction.
 - e. The Property Custodian processes all unclaimed property for auction, disposal, or transfer for Departmental use.

2. Safekeeping

- a. The Property Custodian returns property held for safekeeping upon the request of the legal owner or by legal mandate. The Property Custodian disposes of unclaimed property after 90 days.
- b. Prior to release of firearms, the Property Custodian requests a criminal history check on the owner or person who intends to pick up the weapon.
- c. The CID Supervisor determines the disposition on firearms if the owner is not legally entitled to the weapon or is prohibited from possessing a weapon.
- d. The Property Custodian requests a TCIC/NCIC stolen check on the firearm prior to release.
 - i. If stolen, an attempt is made to return the firearm to the rightful owner.
 - ii. If the owner cannot be found, the weapon is destroyed per court order.
- e. When releasing a weapon to the owner, the owner presents a photo ID and provides proof of ownership, if requested. The owner must sign the property release form.
- f. All other types of property held for safekeeping are returned to the owner as soon as possible.

E. 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 value or investigative value as determined by the District Attorney is destroyed upon completion of the investigation; e.g., glass fragments, mutilated bullet not suitable for comparison purposes.
 - b. Property held as evidence but not introduced during the trial is released to the owner upon receipt of a court disposition, provided the prescribed time for appeal has elapsed. In misdemeanor and felony cases, 90 days is allowed for an appeal.
 - c. In all cases, the person who receives the property must present a photo ID and sign the property receipt.

F. Court Releases

Officers needing evidence or property for court presentation will request the property from the Property Custodian, who then completes the Property Release information on the evidence envelope, bag or box completing the chain of custody form and releases the item to the officer. If and when the officer turns the evidence over to the courts, the officer will complete the chain of custody, make a copy of the envelope/bag/box and give a copy to the Property Custodian.

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. Officers checking out evidence for court sign and date the chain of custody form for all evidence released.
 - 2. Officers immediately return all evidence to the property room, unless that evidence is held by the court.
 - 3. Officers repackage or reseal evidence as necessary to ensure the integrity of the item. Whenever evidence is placed in a new evidence bag, the old evidence bag is placed in the new bag with the evidence with the chain of custody on the old bag visible.
- B. The Property Custodian tracks evidence checked out for court and its return. After 72 hours, notification is given to the officer who has not returned the property.

XII. DISPOSAL GUIDELINES (TBP: 12.05.1)

- 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 court order or written instruction from the District Attorney's Office where case was filed.
- C. Upon receipt of a Court Order, the Property Custodian disposes of property in the manner indicated in that order.
- D. Disposition of Property to be Destroyed
 - 1. Property of little or no auction value is disposed of in an appropriate trash receptacle except as otherwise directed below:
 - a. Papers of a sensitive nature will be shredded.
 - b. The contents of open alcoholic beverage containers are poured down the drain before disposing of the container in the trash.
 - c. Property of value (except firearms, money, ammunition, controlled substances, and hazardous materials) is destroyed, or designated for department use.
 - d. All weapons are destroyed or designated for department use through a court order.
 - e. Ammunition is disposed of through pre-approved, designated agencies or designated for department use, or returned to the owner upon release of the weapon.
 - f. Controlled substances are burned or otherwise disposed as a hazardous waste material.
 - g. Hazardous materials are disposed through the best means possible to avoid contamination.
 - 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 BRENHAM General Fund, except rare coins or paper money that will be sold at public auction.

2. Disposition of Firearms

All firearms will be destroyed unless released to their rightful owner with two exceptions. Firearms that are scheduled for disposal that could be used by the department may be converted to departmental use upon an order from the courts. These weapons will become the property of the department and not individual officers and will be tracked and accounted for on inventories and audits. Destruction process will proceed as follows:

- a. The Property Custodian ensures the recording of the make, model, serial number, and involved case report number in the property management computer system.
- b. The Property Custodian destroys firearms authorized for disposal as necessary to conserve space and security of the weapon(s).
- c. All firearms are inventoried prior to destruction.
- d. The Property Custodian updates the new status on all related documents and computer files.
- e. The Property Custodian, accompanied by an armed police officer and a community volunteer, transports the firearms to a destruction facility. The Property Custodian, officer, and volunteer witness the destruction of each weapon and sign a certificate certifying the destruction.
- f. The Property Custodian retains all written documentation of destruction transactions.

3. Destruction of Ammunition

- a. Department Use
 - i. Surplus small arms and rifle ammunition may be retained by the department for official use.
 - ii. Ammunition retained for department use is transferred to the range master, who signs receipt for the items and maintains records of the inventory and use of such ammunition.
 - iii. No ammunition of this nature is used for duty purposes.
- b. Disposal
 - i. The range master has final discretion on the means of ammunition destruction. That officer decides if the ammunition lends itself well to training or other range use.
 - ii. The department employee receiving the ammunition signs the property report. The property report is then forwarded to the Property Custodian.

4. Destruction of Narcotics/Controlled Substances

- a. The Property Custodian destroys controlled 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 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. At least one 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 CID Supervisor. The Supervisor initiates an investigation, which may include reanalysis of the drug by the lab.
- g. 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.

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 Brenham Fire Division's Hazardous Materials Unit for direction and assistance with disposal efforts.

XIII. AUCTION OF UNCLAIMED PROPERTY

A. Disposition of Unclaimed Property

1. Found property of value not claimed within 90 days is subject to auction. Stolen or embezzled property is subject to auction if unclaimed by the owner after notification of a 90-day limit to reclaim the item.
2. Unclaimed property, not governed by statute, after being held 90 days from the date the owner was notified to claim the property, is subject to auction, destruction, or diversion to department use.

B. Auction of Unclaimed Property

1. Unclaimed property may be auctioned by the City or may be auctioned by a private company contracted by the City.
2. Per City of Brenham Policy employees may purchases any item at such auction.

XIV. INSPECTIONS (TBP: 12.07.1)

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 Patrol Commander conducts an inspection of the Property Room at least every 6 months and forwards a report of the inspection to the Chief of Police.
 1. The inspection will consist of 6 random items to be inspected.
 - a. 3 of the items must consist of one each from Weapons, Drug/s, and Currency. 3 other items will be selected from general property.
 2. The inspection will consist of checking for evidence room cleanliness, proper following of policies and procedures.
- B. The Chief of Police may conduct frequent unscheduled, unannounced inspections of the property room and property function as deemed appropriate. Documentation of these inspections reflects the date and results of that inspection.

XV. PROPERTY INVENTORIES (TBP: 12.08.1)

- A. It is the policy of police services to receive and safely store evidence, found property and property for safekeeping; and to restore the property to the rightful owner, or otherwise lawfully dispose of the property in a timely fashion. The division uses the inspection and inventory process as a means to ensure the integrity of this policy.
- B. For purposes of this manual, an inventory is defined as a physical inspection and verification of the presence of a property item maintained by the division against the agency's records.
 1. The Professional Standards Officer conducts a complete inventory at least once a year, anytime a personnel change is made in the property room, or when requested by the CID Supervisor.
 - a. A complete inventory of all critical items (Guns, Drugs, and Money) in the property room and a random sample of 5% of the total number of items or 50 items, whichever is less, of the remaining items in the property room.
 - b. The inventory should be conducted by locating the intake paperwork for all the Guns, Drugs, and Money, then locating the items in the property room. The audit of the other items should be done in two parts. The first part is done by randomly selecting the paperwork for 25 items and locating them in the property room. The second part

would consist of randomly selecting 25 items from the property room and locating the items paperwork to test the record keeping system.

c. A copy of the Inventory Report is completed after each inventory and forwarded to the Chief of Police.

i. This report includes any discrepancies and lists any missing items. The CID Supervisor makes a determination if an investigation into the loss is warranted.

C. Whenever any firearm, money or controlled substances are discovered missing, the CID Supervisor is notified immediately and an investigation initiated.