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

**I. POLICY**

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

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

**II. PURPOSE**

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

**III. CODE OF ETHICS (TBP: 2.02.1)**

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

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

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

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

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

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

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

#### IV. DEFINITIONS

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

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

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

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

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

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

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

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

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

- H. **Employee-** Any individual, sworn or civilian, employed by the Argyle Police Department.
- I. **Insubordination-** The willful disobedience of any order lawfully issued by a supervisor or field training officer, whether verbally or in writing, to any employee within their chain of command or under their direction. This includes refusal to follow orders, deliberate delays in following orders, and any disrespectful or abusive language toward in reference to a supervisor or a field training officer.
- J. **Memorandum-** A written directive that either (1) provides useful, specific information to employees not amounting to a formal order, or (2) constitutes a directive affecting specific behavior for a specific event or period of time, and is usually self-canceling. When an employee signs a memorandum, that employee is required to obey that memorandum as if it were policy. Each employee shall add the memorandum to the policy manual when directed.
- K. **Off-Duty-** Not actively engaged in the performance of law enforcement duties or other departmental activities, and not being compensated for activities by the Town.
- L. **Officer-** Any sworn member of the department.
- M. **On-Duty-** Actively engaged in the performance of law enforcement duties or other departmental activities, and/or being compensated for activities by the Town.
- N. **Policy-** A statement of the department's philosophy on a given issue which outlines general goals and acceptable procedures designed to guide the performance of departmental employees.
- O. **Procedure-** Defines a method of performing an operation or a manner of proceeding on a course of action. It differs from policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy.
- P. **Supervisor-** Any employee with delegated authority to oversee and/or direct others in the accomplishment of their assigned tasks.
- Q. **Suspension-** The period, either with or without pay, during which an employee is denied the authority to perform his/her normal duties.
- R. **Termination-** An employee's dismissal from employment by the Department. This does not include resignation or retirement by the employee.
- S. **Town-** The Town of Argyle, Texas.

## V. GENERAL RULES OF CONDUCT

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

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

- B. Off-Duty Enforcement. For the purpose of protecting life and property, officers will always be considered on duty while within the territorial limits of the Town of Argyle and shall be prepared to act to the extent possible any time circumstances indicate their services are required. The above enforcement action will not include enforcement of laws of a Class C Misdemeanor nature or traffic enforcement when out of uniform and off-duty, unless in an off-duty employment capacity with prior supervisory permission.
- C. Officers shall carry their official identification on their persons at all times.
- D. Officers must be armed at all times while on duty in the Town of Argyle unless directed not to carry a weapon by the Chief of Police. When an officer is on duty, the weapon shall conform to the standards and required qualifications as set forth in the General Orders.
- E. Unless during a departmentally approved training, or specifically directed to do otherwise by the Chief of Police, an officer must be armed with a departmentally approved weapon:
  - 1. At any time when in a Town vehicle.
  - 2. At any time when in police uniform.
  - 3. When performing police related off-duty employment.
- F. No employee shall wear the uniform, be armed, or carry their badge or identification card while under suspension. An officer shall immediately surrender his/her badge(s), identification card, and city-issued weapon to the supervisor or commanding officer notifying the employee of his/her suspension.
- G. An employee shall furnish his/her name and identification number to any person requesting such information. It will be given in writing when specifically requested by a citizen. Employees shall also give the name and badge number of any or all officers that have responded to a police incident to any person at the scene upon request. It will be given in writing when specifically requested by a citizen.
- H. Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Texas Constitutions and all applicable laws, ordinances, and rules enacted or pursuant to legal authority.
- I. Sworn employees will maintain minimum departmental standards in addition to the Texas Commission on Law Enforcement (TCOLE) requirements necessary for licensing of a Texas Peace Officer. Without written approval from the Chief of Police, no officer, by direct act or omission, will fail to maintain Departmental standards and TCOLE requirements. Failure to maintain standards as specified by

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

## **VI. ETHICAL CONDUCT**

- A. No employee shall use or disclose his/her status as a member of the Argyle Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- B. No employee shall ask for or accept any gift or bribe, including food or drink, from any individual, business establishment, or organization, which is offered for the performance, or non-performance, of his/her official duties. An employee shall immediately report any such offer made in an attempt to affect the officer's official conduct. (TBP: 2.21.1)
- C. Without approval from the Chief of Police, employees shall not receive or accept any gift or gratuity from subordinates, other than customary celebratory times such as holidays or birthdays. (TBP: 2.21.1)
- D. No employee shall misappropriate or misuse public funds, property, personnel, or services.
- E. No employee shall engage in discriminating against, oppressing, or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, physical or mental disability, or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful. Employees shall maintain a strictly impartial attitude toward all persons with whom they come into contact in an official capacity. (TBP: 2.17.1)
- F. No employee shall engage in any form of speech likely to be construed as a racial, ethnic, or religious slur or joke, whether in the presence of the public or of other employees.
- G. Except as required by duty, an employee shall avoid associating with convicted felons or persons under felony criminal investigation or indictment, except family members. An employee shall not allow a relationship with a family member who is a convicted felon or who is under felony criminal investigation or indictment to compromise his/her sworn duties as an Argyle Police Officer or to bring discredit to the Department.
- H. Equal Enforcement. An employee shall treat all persons fairly and equally in the enforcement of the law.
- I. Employees shall conduct all investigations in a fair and equitable manner, regardless of their relationship or feelings for any victim or suspect. In cases where an officer has a personal relationship which may interfere with the impartial handling of a call

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

- J. Use of Official Identification or Position. An employee shall not use his/her official position, identification, or badge for personal or financial gain or privilege.
- K. An employee will avoid any action, whether or not specifically prohibited by law, which may reasonably tend to affect his/her job performance creating the effect or appearance of:
  - 1. Using public office for private gain.
  - 2. Giving preferential treatment to any person.
  - 3. Losing independence or impartiality.
- L. An employee shall not permit or authorize the use of his/her name, photograph, or official title which identifies him/her as a member of the Argyle Police Department for testimonials or advertisement of any commodity or commercial enterprise, or for any personal reasons without written permission from the Chief of Police.
- M. An employee shall not recommend or suggest in any manner, except in the transaction of personal off-duty business, the employment or procurement of a particular product, professional service, or commercial service (example: attorney, ambulance service, towing service, bondsman, mortician, etc.).

## **VII. PROFESSIONAL CONDUCT**

- A. Employees shall know the laws and ordinances they are charged with enforcing, all departmental orders and rules, and the duties and procedures governing their specific assignments.
- B. An employee shall be courteous to the public.
  - 1. An officer shall perform his/her duties with tact, patience, and discretion.
  - 2. No officer shall use obscene, indecent, profane, or derogatory language while on duty or in uniform.
  - 3. No employee shall treat any member of this Department, or a member of the public, in a discourteous, disrespectful, or discriminatory manner.
- C. No employee shall engage in:
  - 1. Any conduct which adversely affects the morale or efficiency of the Department or which has a tendency to adversely affect, lower, or destroy public respect and confidence in the Department or officer.

2. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency, and discipline of this department or that would tend to discredit any of its members.
  3. Any act on- or off-duty that brings discredit to this department.
  4. Rumormongering, and shall neither divulge nor tolerate gossip detrimental to any member of the Department.
- D. All employees will avoid situations that give rise to an actual or apparent conflict between their professional responsibilities and their relationships with other employees. No supervisor shall engage in a romantic relationship or have sexual relations with an employee who reports directly to that supervisor.
- E. No employee, when acting outside the course and scope of his/her police duties, shall precipitate, cause, or escalate a disturbance, or engage in any other conduct, which requires a police response from another police agency. If an employee does so, he/she shall:
1. Immediately contact a supervisor to make them aware of the incident. Employees shall not wait until they return to duty.
  2. Request the incident or report number from the responding agency. This information will then be provided to the employee's supervisor.
  3. Be subject to discipline separate from, and independent of, the outcome of the responding agency's investigation.
- F. No employee shall fail to disclose or misrepresent material facts, or make any false or misleading statement, verbally or in writing, on any application, examination form, or other official document, report or form, or during the course of any court related testimony, work-related investigation, or department-related business. (TBP: 2.14.1)
- G. No employee shall, with intent to deceive, falsify any report, or record or cause to be entered any inaccurate, false, or improper information on records, documents, or reports of the Department or of any court, or alter any record, document, or report except by a supplemental record, document, or report. No employee shall remove or destroy or cause the removal or destruction of any report, document, or record without authorization.
- H. No officer shall fail to participate in, or give false or misleading statements, or misrepresent or omit material information to a supervisor or other person in a position of authority, in connection with any investigation of officer conduct.
- I. No employee shall be convicted of, nor commit, any act or omission which is defined as a criminal act.

- J. No employee shall engage in any of the following acts:
1. Leaving the job to which the employee is assigned during duty hours without reasonable excuse, and permission and approval from a supervisor.
  2. Unexcused or unauthorized absence or tardiness.
  3. Excessive absenteeism or abuse of leave privileges.
  4. Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- K. Employees shall remain alert, observant, and occupied with police business during their tour of duty. When on duty, employees shall devote their entire time and attention to the business of the Department.
- L. Employees shall not engage in horseplay that reasonably could result in injury or property damage.
- M. Insubordination. Employees shall not engage in insubordination or undermine the lawful orders of any supervisor. Insubordination is considered to be a serious violation of policy and, depending on the severity of the violation, can lead to discipline up to, and including, termination of employment.
- N. Neglect of Duty. An employee shall not engage in any activity, entertainment, or personal business which would distract or cause the employee to neglect his/her official duties. Neglect of duty includes, but is not limited to, the following examples of conduct:
1. Failure to report to work when called in from off-duty status.
  2. Failure to maintain contact with the department when on call either by department issued/sponsored cellular phone or radio.
  3. Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
  4. Attending to the affairs of a private business or off-duty employer while in an on-duty status.
  5. Recreational reading. The exception to this is reading done while on an authorized lunch break, outside of the view of the public.
  6. Reading, or completion of assignments, for collegiate coursework while in an on-duty status.
  7. Sleeping, loafing, or idling.

- O. Dereliction of duty on the part of any employee, detrimental to the proper performance of the functions of the Department, is cause for corrective action. Actions constituting dereliction of duty include, but are not limited to, the following:
1. Failure of supervisor to immediately act when a violation of law, department policy, or regulations comes to his/her attention, regardless of the supervisor's or violator's assignment or rank within the Department. Where possible, supervisors will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.
  2. Failure to take appropriate police action to aid a fellow peace officer exposed to danger or in a situation where danger might be impending.
  3. Cowardice or failure to perform police duties because of danger.
  4. Any action that places any person in greater danger than is necessary for the proper performance of the employee's duties.
- P. Loitering in Police Facility. No on-duty or off-duty personnel shall remain in the police facility for an extended period of time unless engaged in official business.
- Q. Use of Tobacco. An employee shall not use tobacco products, to include smokeless tobacco, dip or snuff, or electronic cigarettes in the immediate presence of citizens while in the discharge of official duties. Employees also shall not use tobacco products, to include smokeless tobacco, dip or snuff, or electronic cigarettes while inside of Department facilities or while operating a Department vehicle.
- R. Interference with Investigations
1. An employee shall not interfere with investigations assigned to other officers. He/she shall not undertake any investigation or other police action that is not part of his/her regular police duties without permission from a supervisor. An employee may, however, provide information or may assist in an investigation.
  2. Background investigations shall be the exclusive purview of the Chief of Police or his/her designee. Employees shall not conduct inquiries into the background of potential employees unless directed to do so by the Chief of Police or his/her designee, and no employee shall discuss the facts of an investigation with parties not involved in the hiring process.
  3. An employee shall not interfere with any arrest or prosecution brought by other members of the Department or by any other agency or person unless a violation of the suspect's Constitutional rights is occurring, and/or the suspect is being physically abused.
  4. Operations. An officer shall not interfere with the operation of any departmental function.

## S. Conflicting Orders

1. Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.
  2. No employee is required to obey any order that appears to be in direct conflict with any federal law, state law, or local ordinance. Following a known unlawful order is not a defense and does not relieve the employee from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected employee shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the employee, who shall subsequently be required to justify the refusal.
  3. Unless it would jeopardize the safety of any individual, employees who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the employee is obliged to comply. Employees who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.
  4. If the Chief of Police issues an order that is in conflict with another order, the employee shall inform the Chief of Police of the prior order. The Chief of Police may, at his/her discretion, supersede an order issued by any other supervisor.
- T. Requests for Assistance. An employee shall respond to any citizen's reasonable request for assistance by obtaining all pertinent information in an official and courteous manner. The employee shall then act upon the request consistent with established departmental procedures.
- U. Response to Calls for Service. Officers shall respond without delay to all calls for police assistance from citizens, other members of the Department, or members of other law enforcement departments. Emergency calls will take precedence. However, all calls shall be answered as soon as possible consistent with normal safety precautions and traffic laws.
- V. Proactive Enforcement. An officer shall be proactive in his/her approach to job duties, and actively seek opportunities to address crime and quality of life issues, to include traffic violations. Officers shall optimize time spent on duty and avoid periods of purposeful inactivity.

W. Treatment of Persons Taken into Custody.

1. An employee shall not verbally or physically mistreat any persons in custody of the Argyle Police Department or one of its officers.
2. Employees shall use only such force as is necessary in effecting an arrest or maintaining custody of prisoners.
3. Officers shall use deadly force in effecting an arrest only as authorized in Chapter 9 of the Penal Code of Texas (current version), and as prescribed by the General Orders and other orders of the Department.

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

1. All reports submitted by an employee shall be complete and accurate.
2. Reports will be made on all cases investigated or crimes reported to this department.
3. Any extensions, or overtime accrued, shall require justification on the part of the officer and approving supervisor.

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

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

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

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

1. Is defamatory.
2. Is obscene.
3. Is unlawful

4. Tends to impair the operation of the Department by interfering with its efficiency, by interfering with the ability of supervisors to maintain discipline, or by a reckless disregard for the truth.
- CC. Investigative Examinations. An employee shall submit to any polygraph, medical, chemical, drug, alcohol, ballistics, photographic, psychological, or other test when directed by the Chief of Police.
- DD. Use of Intoxicants.
1. On-Duty or In Uniform. An employee shall not use or purchase intoxicants while in uniform. An employee shall not report for duty or be on duty while under the influence of any intoxicants. Influence will be presumed if the employee has the odor of alcoholic beverage on his/her breath or appears to lack control of his/her mental or physical faculties. An officer engaged in covert operations may use alcohol as directed by superior officers in the accomplishment of a legitimate investigation.
  2. Alcohol in Police Installations. An employee shall not bring alcoholic beverages into any police facility or vehicle, except those which may be held for evidence or found property.
  3. Off-Duty. An employee, while off-duty, shall refrain from consuming intoxicating beverages to the extent that it results in offensive behavior which might discredit the Department.
  4. No employee shall be under the influence of drugs when such drugs are not prescribed by a physician or dentist or be a user of drugs in a manner not prescribed by a physician or dentist.
  5. Entering Bars, Taverns, and Liquor Stores. Officers on-duty, or in uniform, shall not enter or visit any bar, lounge, parlor, club, store or other establishment whose primary purpose is the sale and/or on-premise consumption of alcoholic beverages, except in the course of official duties. This includes officers who are off-duty and traveling to work, or from work in uniform.
- EE. Employees will notify a supervisor in their chain of command when they are taking any drug prescribed by a physician or dentist which might impair their ability to operate a motor vehicle or which might affect their judgement. (When notice is provided by prescription label).
- FF. Prohibited Establishments. Except as required by duty, an employee shall not frequent, visit, or enter a house or establishment where federal or state laws are violated.
- GG. Abuse of Process. An employee shall not make any false accusation or criminal charge, and/or intentionally manufacture, falsify, destroy, and/or withhold evidence or information.

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

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

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

KK. Political or Other Activities.

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

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

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

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

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

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

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

7. By creating an intimidating, hostile, or offensive working environment. Conduct that contributes to such an environment includes, but is not limited to:
  - a. Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching.
  - b. Comments on a worker's appearance, age, private life, etc.
  - c. Comments, stories and/or jokes of a sexual nature.
  - d. Repeated and unwanted social invitations for dates or physical intimacy after the initial invitation has been declined.
  - e. Sending sexually explicit or suggestive messages or images (by phone or by email) to include images of the portions of the sender's anatomy.
  - f. Display of sexually explicit or suggestive material.
  - g. Sexually suggestive gestures, whistling, catcalls, or leering.
8. All other provisions within the Town Personnel Policy Manual shall apply.

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

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

## **VIII. MAINTENANCE OF PROPERTY**

- A. Misappropriation of Town Equipment, Funds or Services. No employee shall direct any Town equipment, funds, or services to his/her personal, non-department use.
- B. Responsibility for Town Property. Employees shall be accountable for the proper care and use of department property and equipment assigned to or used by them and shall promptly report to their supervisors any loss, damage, destruction, or defect therein. Employees shall be held responsible for loss, damage, or destruction that is due to their own willful acts or negligence.
- C. Responsibility for Private Property. Employees are responsible for protecting private property or equipment that has come into their possession by reason of their office against loss, damage, or destruction.

- D. Property and Evidence. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other officer action except in accordance with established procedures. Any property or evidence coming into the possession of an employee shall be secured in evidence prior to the end of the employee's shift.
- E. Alteration or Modification of Police Equipment. Officers shall not use any equipment that does not conform to departmental policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no changes, alterations, modifications, or substitutions shall be made to such equipment unless approved by the Chief of Police.

## **IX. RELATIONSHIP WITH COURTS AND ATTORNEYS**

- A. Attendance in Court. Employees shall arrive on time for all required court appearances and be prepared to testify. Each member shall be familiar with the laws of evidence and shall testify truthfully on any matter.
- B. Recommending Attorneys or Bondsmen. Employees shall not suggest, recommend, advise, or counsel the retention of a specific attorney or bondsman to any person coming to their attention as a result of police business.
- C. No employee shall give any lawyer, bondsman, or the agent of either, or any other person, unauthorized information regarding prisoners in confinement, property in custody, or records of the Department.
- D. Testifying for a Defendant. Any employee subpoenaed or requested to testify for a criminal defendant, or against the Town of Argyle, or against the interests of the Department in any hearing or trial shall immediately notify the Chief of Police through the chain of command.
- E. Interviews with Attorneys. Interviews between an officer and a complainant's attorney about a case arising from the officer's employment by the department shall be done in the presence of or with the knowledge and consent of the officer's commanding officer, department legal counsel, or prosecutor.
- F. Assisting and Testifying in Civil Cases. Officers shall not serve civil-process papers nor render assistance in civil cases except as required by law. No employee shall volunteer to testify in civil actions.
- G. Notice of Lawsuits against Officers. Employees who have had a civil action filed against them because of an act performed in the line of duty shall immediately notify the Chief of Police in writing and furnish a copy of the complaint as well as a full and accurate account of the circumstances.
- H. Notice of Arrest or Citation. Employees who have become the subject of a citation or arrest action in any jurisdiction shall immediately notify the Chief of Police.

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

## **X. EXPECTATION OF PRIVACY**

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

## **XI. SUPERVISOR RESPONSIBILITIES**

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

- A. Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance, control, and correction of performance deficiencies.
- B. Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- C. Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or being indifferent to any such violation by a subordinate.
- D. The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.



## ARGYLE POLICE DEPARTMENT

### Policy 2.2 Bias Based Policing

Effective Date: 28AUG20

Replaces: 08NOV16

Approved: *Eric R. Johnson*

Chief of Police

Reference: TBP 2.01

### I. POLICY

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

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

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals.

Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, sex, sexual orientation, gender, national origin, ethnicity, age, religion, economic status, disability, cultural group, or any other identifiable group. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense.

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

## II. PURPOSE

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

## III. DEFINITIONS

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

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

#### IV. PROCEDURES

##### A. General responsibilities

1. Officers are prohibited from engaging in bias-based (including racial) profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation, cultural group color, creed, disability, or economic status. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01)
2. Examples of bias based (including racial) profiling include, but are not limited to, the following:
  - a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
  - b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group is unlikely to own or possess that specific make and/or model of vehicle.
  - c. Detaining an individual based upon the determination that a person of that race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group does not belong in a specific part of town or a specific place.
3. Officers shall be cognizant of, and shall respect, the constitutional rights of all persons.
  - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the limitations on warrantless searches allowed by law. Officers shall also understand the circumstances under which an individual can grant, and revoke, consent to perform a search.

- b. Officers shall not use an individual's refusal to consent to a search, or lack of cooperation, to justify a search of the person or vehicle, or a prolonged detention once reasonable suspicion has been dispelled.
4. Personnel shall facilitate an individual's access to other governmental services whenever possible and shall actively provide referrals to other appropriate agencies.
5. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaint process and shall make available copies of the "How to Make a Complaint" when requested, or when it is reasonable to assume that an allegation of bias-based policing will result from a contact.
6. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.
7. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
8. All personnel are accountable for their actions. Personnel shall justify their actions when required.

#### B. Training (TBP: 2.01)

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

#### C. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall take actions to identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.

3. Supervisors shall be held accountable for repeated instances of bias-based enforcement actions by their subordinates if the supervisor knew, or should reasonably have known, of the subordinate's actions.
4. Supervisors shall be mindful that, in accounting for the actions and performance of subordinates, supervisors are the key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ideal of impartial enforcement of the laws by modeling appropriate behavior, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
6. Supervisors shall facilitate the filing of any complaints about law enforcement service.
7. Supervisors will randomly review at least three random videos per officer (either body camera and/or in-car camera video) each quarter to ensure compliance with this policy. For this policy, a "quarter" is defined as one of the following 3-month periods of time; January 1 – March 31, April 1 – June 30, July 1 – September 30, and October 1 – December 31. Supervisors are not required to watch each incident in an entire shift; however, reviewing the footage in a manner intended to gain an understanding of that officer's performance and adherence to policy and law is required. This process will be documented through the PD line inspection form and any violations of policy or law will be addressed through the use of the existing internal affairs policy. (TBP: 2.01)

#### D. Disciplinary consequences

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

### V. COMPLAINT INVESTIGATION

- A. The Department shall publish police employee compliment and complaint procedures literature and make them available in the public lobby of the police department, the Town website, and by citizen request. The department's complaint process and its bias based profiling policy will be posted on the department's website.
- B. The Department will provide the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer.

- C. Complaints alleging incidents of bias based profiling will be fully investigated as described under Policy 2.4.
- D. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address, and telephone number. The employee shall then forward the complaint to a supervisor for the initiation of an investigation or direct the individual(s) to the department's physical address or website. Any employee contacted shall provide to that person a copy of a complaint form, or the department process for filing a complaint. All employees will report any allegation of racial profiling to their supervisor before the end of their tour of duty.
- E. Complainants will be notified of the results of the investigations when such investigation is completed.
- F. If a bias based (including racial) profiling complaint is sustained against an officer, it shall result in appropriate corrective and/or disciplinary action, up to and including termination.

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

- A. Texas Code of Criminal Procedure Art. 2.132 requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
  - 1. The race or ethnicity of the individual detained;
  - 2. Whether a search was conducted and, if so, whether the individual detained consented to the search;
  - 3. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
  - 4. The location of the stop; and
  - 5. The reason for the stop.
- B. Texas Code of Criminal Procedure Art. 2.132 requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subsection VI(A) to:
  - 1. The Texas Commission on Law Enforcement; and
  - 2. The governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

3. The data collected as a result of the reporting requirements shall not constitute prima facie evidence of racial profiling.
  4. A report required under Subsection VI(B) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information under Article 2.132.
  5. The Argyle Police Department shall review the data collected under Subsection VI(A) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.
- C. Texas Code of Criminal Procedure Art. 2.133 requires a peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:
1. A physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
    - a. The person's gender; and
    - b. The person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability.
  2. The initial reason for the stop;
  3. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
  4. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
  5. The reason for the search, including whether :
    - a. Any contraband or other evidence was in plain view; or
    - b. Any probable cause or reasonable suspicion existed to perform the search; or
    - c. The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle.

6. Whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
  7. The street address or approximate location of the stop;
  8. Whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and
  9. Whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.
- D. The chief administrator of a law enforcement agency, regardless of whether the administrator elected, or appointed, is responsible for auditing reports under Subsection VI(C) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.
- E. Texas Code of Criminal Procedure Art. 2.134 states that a law enforcement agency shall compile and analyze the information contained in each report received by the agency under Art. 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.
1. A report required under Subsection IV(E) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:
    - a. A comparative analysis of the information compiled under Article 2.133 to:
      - i. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
      - ii. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

- iii. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.
- b. Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency was engaged in racial profiling.
- c. A report required under Subsection VI(E) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Art. 2.133.
- d. The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.



## ARGYLE POLICE DEPARTMENT

### Policy 2.4 Internal Investigation Process

Effective Date: 21MAY21

Replaces: 19Jun13

Approved:

  
Chief of Police

Reference: TBP 2.04, 2.05, 2.06, 2.07, ~~2.08~~, 2.09, and 2.10.

## I. POLICY

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

## II. PURPOSE

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

## III. PROCEDURES - GENERAL (TBP: 2.04)

### A. Receipt of complaints

1. The department encourages any person to bring forward grievances regarding misconduct by department employees. All complaints received shall be handled efficiently and professionally. All officers are obligated to explain complaint procedures to anyone who may inquire.
2. All complaints, regardless of nature, can be filed in person, by mail, email or by phone at any time. As part of the follow-up investigation, persons making complaints by mail or phone normally shall be interviewed and a written, signed complaint prepared. A signed letter of complaint will be accepted as a signed complaint without requiring any specific form. Anonymous complaints will be followed up to the extent possible. In case of an anonymous complaint, the officer or other person who receives the

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

3. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of any person's complaint. An employee of the department, who interferes with, discourages, or delays the making of complaints may be subject to disciplinary action.
4. Normally, a person with a complaint shall be referred to a supervisor who shall assist the individual in recording pertinent information. The supervisor may conduct a preliminary investigation or delegate that task to a first-line supervisor. The preliminary investigation may consist of questioning the officer, complainants, or witnesses, securing evidence or any other fact-finding as deemed necessary.

Upon completion of the preliminary investigation, the following documents shall be prepared and forwarded through the chain of command:

- a. a report of the alleged violation;
  - b. date and location of event.
  - c. any documents and evidence pertinent to the investigation;
  - d. recommendations for further investigation or other disposition.
5. If the first-line supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, or appears to have a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor or investigator shall note these conditions. Any visible marks or injuries relative to the allegation shall be noted and photographed.
  6. Prisoners or arrestees also may make complaints. Circumstances may require a department representative meet the complainant at a jail or prison for an interview. If appropriate, the representative will have photographs taken of prisoners' injuries.
  7. An employee who receives a complaint through U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the Chief of Police, who shall determine investigative responsibility.
  8. In every case, the Chief of Police will be notified of any complaint as soon as possible by the supervisor receiving the complaint. Complaints received overnight will be brought to the Chief's attention the next workday. Complaints alleging a violation of the law or any serious violation should be reported immediately regardless of the time of day. (TBP: 2.07)

#### B. Responsibilities of supervisors

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

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

#### C. Complaint Procedures

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

#### D. Responsibility for handling complaints

All complaints alleging a violation of the law or departmental policy will be investigated. Complaints regarding law-enforcement operations will usually be handled through the chain of command, beginning with the first-line supervisor. Complaints involving how law-enforcement service is provided or a failure to provide service or improper attitudes or behavior may be investigated by an assigned supervisor or by the Chief of Police. Depending on the nature of the complaint, the Chief of Police may request another agency to undertake the investigation. (TBP: 2.06)

### **IV. DISPOSITION OF COMPLAINTS GENERALLY**

#### A. The Chief of Police or his designee shall:

1. Determine after interviewing the complainant the course of action; informal or formal.
2. Informal complaints may be resolved through information given to either the complainant or the officer. Minor complaints alleging rudeness, minor policy violations and performance issues may be assigned to a supervisor for investigation and resolution.

3. If formal, notify the complainant, in writing, as soon as practical, that the department acknowledges receipt of the complaint, that it is under investigation and that the complainant will be advised of the outcome.
  4. Enter the complaint into the complaint log, assign a complaint number, and have the complaint investigated. Allegations of a violation of the law or serious policy violations will be investigated by the Chief of Police, an investigator assigned by the Chief of Police, or an outside agency as determined by the Chief.
  5. Maintain complaint files separate from personnel files. Complaints resulting in disciplinary actions levied against Town employees will be documented and placed in the employee's personnel file.
  6. Take disciplinary action following the investigation, if appropriate.
- B. All investigations will be completed within 90 days including the taking of disciplinary action when necessary. If additional time is necessary to conclude the investigation, a request for extension will be presented to the Chief of Police in writing providing justification for the extension. If approved by the Chief of Police, a specific number of days will be approved, and a copy will be provided to the involved officer and the original placed in the case file. (TBP: 2.05)
- C. The purpose of the investigation is to seek out the facts in a particular situation and to ascertain the truth.
- D. Upon completion of any investigation, the Chief of Police or designee will notify the complainant in writing, of the results of the investigation and any action taken. (TBP: 2.10)
- E. A sustained complaint may result in disciplinary action of one or more of the following:
- a. Retraining
  - b. Verbal counseling
  - c. Return to probationary status
  - d. Written reprimand
  - e. EAP Referral
  - f. Suspension
  - g. Demotion
  - h. Termination
- F. If a complaint is sustained against an employee, the employee has the right to appeal that decision and/or the discipline imposed.

## **V. COMPLAINT AGAINST LAW ENFORCEMENT OFFICER OR FIREFIGHTER**

- A. *Texas Government Code Sec. 614.022* - Complaint to be in Writing and Signed by Complainant. To be considered by the head of a state agency or by the head of a fire or police department, the complaint must be:
  - 1. In writing, and
  - 2. Signed by the person making the complaint.
- B. *Texas Government Code Sec. 614.023* - Copy of Complaint to be Given to Officer or Employee.
  - 1. A copy of a signed complaint against a law enforcement officer, fire fighter, or police officer shall be given to the officer or employee within a reasonable time after the complaint is filed.
  - 2. Disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee.

## **VI. DISPOSITION OF A SERIOUS COMPLAINT**

- A. Serious complaints are allegations of misconduct that might result in discharge, suspension, or demotion, or criminal charges being sought. The term "serious complaint," in this manual, is synonymous with "internal investigation." Internal investigations are used to examine alleged brutality, gross excesses of legal authority, or allegations involving supervisory or multiple personnel.
- B. If a criminal offense is alleged, two separate investigations shall be conducted, a criminal investigation as well as an administrative or Internal Investigation. The criminal investigation examines compliance with the criminal law while the Internal Investigation determines compliance with policy and procedure. The Chief of Police or his designee will assign these investigations as required.
- C. In cases of serious complaints, the Chief of Police or his designee shall:
  - 1. Determine if the officer complained of should remain on-duty, be assigned to non-contact assignments, or be put on administrative leave until completion of the investigations.
  - 2. Determine and assign responsibility for the investigations.
  - 3. Cause the complaint to be registered and assigned an investigation number in the complaint log.
  - 4. Maintain close liaison with the District Attorney in investigating an alleged criminal offense. Where liability is at issue, the Chief or his designee shall similarly maintain contact with the town attorney or legal counsel.

## **VII. INVESTIGATIVE PROCEDURES**

- A. Two types of investigations may take place: administrative or criminal. Different rules govern interviews of employees in each case.
- B. Employee Assistance/Representation

1. Employees are permitted to have an attorney or supervisor with them in the room during any interview regarding allegations of misconduct.
2. The employee's representative is limited to acting as an observer at the interview, except that where the interview focuses on, or leads to, evidence of criminality, the employee's attorney may advise and confer with the employee during the interview.

#### C. All Interviews

1. Prior to being interviewed, the subject employee shall be advised of the nature of the complaint and provided a copy of the complaint.
2. All interviews will be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required.
3. During interviews conducted by the department, there will be one employee designated as the primary interviewer.
4. The complete interview may be recorded.
5. The employee shall be provided with the name, rank and command of all persons present during the questioning.

#### D. Criminal Investigative Interviews

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

#### E. Administrative Interviews

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

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

## **VIII. INVESTIGATIVE TOOLS AND RESOURCES**

- A. In addition to interviews of the employee and witnesses, the Chief of Police or his designee may require other activities in support of a complaint investigation or internal investigation, including:
1. Medical and laboratory examination
  2. The Chief of Police or his designee may, based on reasonable suspicion or his observation, require a department employee to submit to a test for alcohol or drug use while on duty. The results may be used in a disciplinary hearing. Refusal to submit to the examination will be grounds for disciplinary action and may result in the employee's dismissal.
    - a. If the employee is believed to be under the influence of alcohol, a licensed breathalyzer operator shall administer the test. The Chief of Police or officer in authority shall witness the test and sign the report.
  3. If the employee has a reading of .02 or higher, or there is other competent evidence of impaired abilities to perform duties, the officer shall be relieved of duty by the Chief of Police or officer in authority.
  4. If the employee is believed to be under the influence of self-administered drugs, he may be compelled to submit to a blood or urine test. The test shall be administered under medical supervision where hygienic safeguards are

met. The sample shall be handled using the same safeguards as evidence in a criminal process.

5. If the test shows positive results, or there is other competent evidence of impaired abilities to perform duties, the employee shall be relieved of duty as soon as possible by the Chief of Police or other officers in authority.
6. If an employee refuses to submit to a test, (alcohol or drugs) then the Chief of Police or other officer in authority shall immediately relieve the employee from duty for failure to cooperate in an administrative investigation.
7. Property assigned to the employee but belonging to the department is subject to inspection where the department has a reasonable suspicion that evidence of work-related misconduct may be found therein. Department property includes but is not limited to: files, storage lockers, desks, and vehicles.

#### B. Photograph and lineup identification procedures

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

A book of photos of department employees may be maintained for the purpose of identification of an employee accused of misconduct.

#### C. Financial disclosure statements

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

#### D. Polygraph


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

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

## IX. ADJUDICATION OF COMPLAINTS

- A. The Chief of Police will classify completed internal affairs investigations as:
  1. **Unfounded** - no truth to allegations.
  2. **Exonerated** - allegations true but are the result of adherence to departmental policy or procedure. Exonerated complaints will be reviewed by the Chief of Police for policy issues.
  3. **Not sustained** - unable to verify the truth of the matters under investigation.
  4. **Sustained** - allegations are true. Complaints will not be classified as sustained unless based on a finding of facts determined during the investigation. (TBP: 2.04)
- B. Completed investigations classified as unfounded, exonerated, not sustained, or policy failure will be maintained in internal affairs files in the Chief's office. Discipline resulting from sustained complaints shall be filed in the individual employee's personnel file with a copy in the internal affairs files.
- C. Disciplinary action taken shall be determined by the seriousness of the violation or the extent of injury to the victim, and the officer's prior disciplinary history. It shall be commensurate with the circumstances surrounding the incident and in consideration of the employee's service record and prior sustained complaints.
- D. Disciplinary records (TBP: 2.09)
  1. The department shall maintain a log of all complaints.
  2. The complaints and internal investigative files shall be kept in a secure area and shall be maintained state law and Town policy.

3. The Chief shall direct a periodic audit of complaints to ascertain a need for training or a revision of policy.
4. The Chief shall publish an annual or other periodic summary of complaints that shall be made available to the public.

	<b>ARGYLE POLICE DEPARTMENT</b>	
	<b>Policy 2.5 Employee Disciplinary Process</b>	
	<b>Effective Date: 17Feb12</b>	<b>Replaces:</b>
	<b>Approved:</b> <u><i>[Signature]</i></u> Chief of Police	
	<b>Reference:</b>	

**I. POLICY**

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

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

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

**II. PURPOSE**

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

**III. DEFINITIONS**

A. Relief from duty

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

B. Discipline

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

## **IV. PROCEDURES**

### **A. Positive discipline**

1. Positive discipline seeks voluntary compliance with established policies, procedures, orders. Methods of positive discipline include:
  - a. Recognition of excellent job performance through rewards or awards.
  - b. When people outside the department compliment an employee's performance, the person who receives the information shall make a record of the comments and pass them to the employee's supervisor.
  - c. Truly exceptional acts shall be clearly and promptly identified to the Chief of Police. These acts may be the basis for special awards or for special recognition by community groups or media coverage.
2. Discussion and counseling
3. Training

### **B. Consistency in discipline**

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

### **C. Relief from duty**

1. An employee may be relieved from duty whenever an employee's physical or psychological fitness for duty is questioned. Such action may be recommended by any officer. An internal investigation may follow.
2. The Captain, Sergeant or senior officer has authority to relieve an employee from duty, but must promptly report this action to the Chief of Police, accompanied by a written report setting forth details and circumstances.
3. If the necessity to relieve from duty is not immediate, the behavior or actions of the employee shall be deemed a matter for internal investigation. In an

internal investigation, only the Chief of Police may relieve an employee from duty. Only the Chief of Police, under consultation with the Town Manager, may suspend an officer without pay.

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

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

1. If the employee has not behaved improperly following a written record of counseling for three years, the record of counseling shall be expunged from the employee's personnel file.
2. Supervisors are expected to informally counsel employees regularly without waiting on instances of poor performance. Most counseling is informal, positive, supportive, and often undocumented.
3. Supervisors are responsible for counseling employees concerning job-related matters, within their capabilities. Many things can affect the job and an employee's performance, so job-related counseling may involve family and other individual, personal subjects. Counseling may include identification of unacceptable behaviors or actions, specifically what was done wrong and the desired or acceptable performance. Counseling can attempt to determine the reason for the particular behavior, determine and recommend how to correct or improve performance or to solve the problem.
4. Suspensions resulting from the arrest or criminal investigation of an employee may be indefinite or result in termination.
  - a. Should an employee be arrested or identified as a suspect in any felony, misdemeanor involving violence or moral turpitude, family violence or DWI, they shall immediately be placed on administrative leave with pay and an internal investigation shall commence. At the conclusion of the internal investigation the Chief of Police may take appropriate disciplinary action based on the results of the internal investigation, including termination.
  - b. Terminations may result from other criminal infractions.

- c. If an employee is acquitted of criminal charges, the employee may yet be disciplined at the discretion of the Chief of Police or reinstated with full or partial back pay.
5. Any member suspended for a period five days or longer shall return all department-owned property. On any suspension, the officer must return to department custody his or her badge, identification card, and issued firearm.
6. During a suspension, the employee shall not undertake any official duties.

E. Reporting arrests

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

**V. ADMINISTRATION OF SUSPENSIONS, DEMOTIONS, OR DISMISSALS**

- A. After an appropriate investigation, should the Chief of Police or his designee sustain the allegation and determine that the discipline may be a suspension, demotion, or termination; the Chief may request review of the investigation by the officer's chain of command to obtain their recommendations for disciplinary action.
- B. The Chief of Police or his designee will meet with the employee and allow the employee make any statement regarding the evidence or investigation, and review any written statement provided by the employee.
- C. The Chief of Police or his designee will again review the investigation, considering the employee's input and may then decide on the discipline or send the investigation back for further investigation.
- D. The Chief or his designee will meet with the employee to inform him or her of his decision. The Chief or his designee will present the employee with a letter outlining the discipline, the effective date of the discipline, the reason for the discipline and the employee's appeal rights (as set out in the Town of Argyle Employee Handbook)
- E. Copies of all investigations resulting in disciplinary action and all disciplinary paperwork will be filed in the employees personnel file. A copy of the investigation will be maintained in the internal investigations files.



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

#### B. Accident Review Board Authority and Responsibilities

1. This agency's Accident Review Board (ARB) shall be responsible for conducting administrative reviews and/or hearings regarding agency motor vehicle crashes and on-duty personal injuries of agency personnel.
2. The ARB is responsible for reviewing all aspects of these incidents and identifying causative and/or contributory factors, where possible. The ARB may draw conclusions concerning whether the accident or injury was preventable but may not recommend discipline or other personnel action.

#### C. Board Composition

1. The ARB will consist of at least three members as determined and selected by the Chief of Police.
2. The board will be chaired by the Captain of Police. The chairperson shall be responsible for establishing board operating procedures, where not otherwise specified in this policy, subject to the approval of the Chief of Police. The chairperson shall ensure that all personnel under review are provided with current operating procedures of the ARB.
3. Any member of the ARB who does not feel capable of making an impartial decision in a given case because of a conflict of interest with individuals involved or for other reasons shall request replacement for purposes of that specific case review.
4. The ARB chairperson has the authority to call members of this agency to testify at board hearings or to provide written statements necessary for board review.
5. Recommendations of the ARB shall be made by a simple majority vote.

#### D. Reporting and Investigating Motor Vehicle Crashes and Injuries.

1. Unless incapacitated, officers are responsible for immediately notifying communications or their supervisor of any motor vehicle crashes and any personal injury sustained while on duty. Communications shall notify the patrol supervisor.
2. Supervisors shall be responsible for ensuring that crash investigations are conducted by persons with appropriate traffic investigation training. The supervisor will also conduct an investigation and complete any necessary

worker's compensation forms needed for treatment or immediate reporting of an injury.

3. Where feasible, the supervisor, any on-scene motor vehicle accident investigators, and the involved officer(s) shall file reports on departmentally approved forms within 24 hours of a crash occurrence. The supervisor's report shall include the following information:
  - a. Details of events involved in and contributory to the crash or injury.
  - b. Statements of witnesses.
  - c. Name and insurance information on involved drivers and others involved in a crash, and the nature/seriousness of injuries and/or property damage.
  - d. A statement as to whether the supervisor believed the member's injury or crash was "preventable" or "non-preventable"—as defined by this policy—with documentation supporting those conclusions.
  - e. Any recommendations that would help prevent similar crashes in the future.
  - f. Accidents on private parking lots or below the dollar amount of damage set by the State of Texas do not require submission of Crash Reports to the Texas Department of Transportation.

#### 4. ARB Proceedings

- a. The ARB shall convene as soon as practicable following an agency-involved motor vehicle crash or reportable injury for hearings and/or deliberations.
- b. The board may consider investigative reports submitted from agency personnel and/or statements of witnesses. The board's findings will be classified in one of two ways as follows:
  - i. Non-preventable. A crash or personal injury shall be classified as non-preventable when it is concluded that the member/operator exercised reasonable caution to prevent the crash or injury from occurring and observed applicable agency policy, procedures, and training.
  - ii. Preventable. A crash or injury shall be deemed preventable when the member/operator failed to observe agency policy, procedures, or training, and/or failed to exercise due caution or appropriate defensive driving or trained defensive tactics.
- c. As soon as possible after completing its review, the ARB shall submit a preliminary written report of its findings, conclusions, and recommendations to the involved officer(s), through the chain of command to the agency Chief of Police. Such recommendations may include but are not limited to the following:

- i. remedial or refresher training,
  - ii. modifications or evaluation of equipment; and
  - iii. modifications or review of agency policy, procedures, training, or tactics.
- d. The Chief of Police may order an internal investigation if policy or procedure was violated.

#### 5. Appeal Procedures

- a. Officers may appeal findings and recommendations of the ARB regarding preventable crashes or injuries by submitting a written appeal to the Chief of Police within 5 days of the issuance of its preliminary report. Appeals must be accompanied by a written statement specifying points of disagreement with, or perceived oversights in, board findings, and/or provide additional information not previously considered that may bear on the board's findings and recommendations.
- b. Where uncontested within 5 days or when otherwise unmodified, the preliminary report of findings of the ARB shall be considered final.
- c. The Chief of Police will notify the employee of his or her decision by memorandum within 10 days of receipt of their appeal.

#### 6. Remedial Action

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

- a. Members of the department that have a preventable vehicle crash may be required to undergo additional training, take a defensive driving course, or other corrective measures.
- b. More than four vehicle crashes in any 5 year period may result in termination for failure to perform basic job functions in a safe manner.
- c. Members of the department that have repeated preventable injuries may be terminated due to inability to perform basic job functions in a safe manner.

#### E. Annual Analysis

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

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



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

#### B. Preparation for Trial

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

#### C. Appearance in Court

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

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



## ARGYLE POLICE DEPARTMENT

Policy 2.8 Community Outreach

Effective Date: 21Feb17

Replaces:

Approved:

  
Chief of Police

Reference: TBP 2.24

### I. PURPOSE

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

### II. POLICY STATEMENT

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

### III. PROCEDURES

#### A. Community Relations Function

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

#### B. Department Personnel

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

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



#### C. Community Relations Plan, Goals, and Objectives

1. A community relations plan will be utilized by the Department as a means to promote rapport with community groups and organizations. The goals and objectives of these programs (i.e. Crime Watch, Crime Prevention and Community Relations meetings) are to serve as a forum to promote Department programs and for citizens to express their concerns or suggestions to the Department. The following items should be considered when working with community members:
  - (a) Exchange of helpful information;
  - (b) Promote police services that are available to the community;
  - (c) Discuss Department objectives, community problems and successes;
  - (d) Encourage discussion to promote action aimed at solving problems that may exist;
  - (e) Educate citizens about the functions and operations of the Argyle Police Department, and
  - (f) Obtain input from community groups to ensure that Department community relation policies and/or training reflect the needs of the community.
    - (1) Input will be obtained through Town Hall meetings and various other sources, including, but not limited to:
      - (i) Town Council,
      - (ii) Social media presence
      - (iii) Online Survey's
      - (iv) Neighborhood Crime Watch Area Coordinators and other citizen representatives,
      - (v) Documented officer contacts,
      - (vi) Internal Affairs investigations, and
      - (vii) Departmental supervisors.
2. Identify sources of conflict between the Department and the community and to encourage efforts to resolve them. Training needs that are identified will be documented and forwarded to the Community Relations Coordinator.
3. Utilize information obtained from meetings, which may provide direction in development or modification of Department policies, procedures, training and community relations programs and convey the information to the Department, as applicable.

#### D. Programs

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

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

	<b>ARGYLE POLICE DEPARTMENT</b>	
	<b>Policy 2.9 Use of Social Media</b>	
	<b>Effective Date: 24FEB20</b>	<b>Replaces:</b>
	<b>Approved:</b> _____ <div style="text-align: center; font-size: small;">             Chief of Police         </div>	
	<b>Reference:</b>	

**I. PURPOSE**

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

**II. POLICY STATEMENT**

Social media provides a valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and other objectives. The Department supports and utilizes the secure and appropriate use social media to enhance communication, collaboration, and information exchange. The department also recognizes the role that these tools play in the personal lives of department personnel. Because the improper use of social media platforms by employees can impact both positively and negatively the confidence the public has in its view of department operations as the Town generally, the department provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel. These policies and procedures apply to all personnel including sworn and non-sworn employees, and any volunteers working for the Department.

**III. DEFINITIONS**

- A. Blog: A self-published diary of commentary on a topic that may allow visitors to post responses, reactions, or comments.
- B. Content: Anything that an individual has posted or shared with others online.
- C. Employee: Any sworn or non-sworn employee, including reserve officers. For the purposes of this social media policy, volunteers of the Argyle Police Department will be held to the same standard of conduct as employees.

- D. Inappropriate Content: Any post that:
1. Defames, abuses, harasses, stalks, threatens, or violates the legal rights of others.
  2. Includes racism, hatred, slander, threats, obscenity, violence, or vulgarity.
  3. Includes spam or advertisements.
  4. Could harm the safety or well-being of one or more employees, including personal attacks.
  5. Has personal information about another person or that violates a person's privacy.
  6. Includes copyrighted material that belongs to another person.
  7. Contains links to inappropriate websites including, but not limited to, pornographic content.
- E. Post: Content an individual publishes online on a social media page or site. Content can be in the form of words, stories, photographs, videos, images, or related forms of communication.
- F. Profile: Informational description that a user provides about himself or herself on a social networking site.
- G. Social Media: A category of internet-based resources that integrate user-generated content with user participation. This includes, but is not limited to, Facebook, Instagram, Snapchat, Twitter, Flickr, YouTube, Wikipedia, as well as web-blogs, bulletin boards/message boards, and news sites (i.e. Nixle, Google News, Yahoo Groups, Reddit). The absence of, or lack of, explicit reference to a specific site does not limit the extent of the application of this policy.
- H. Social Media Manager: One or more employees appointed by the Chief of Police to actively manage the Department's official social media pages.
- I. Social Network: Online platforms where a user can create a profile, post information, and communicate with others using a range of technologies.
- J. Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- K. Website: Published page(s) on the world wide web, usually containing hyperlinks and published by an individual, company, educational institution, government, or organization.
- L. Uniform Resource Locator (URL): A specific character string that constitutes a reference to an internet resource. A URL is also commonly called the "web address."

#### **IV. DEPARTMENT AUTHORIZED USE OF SOCIAL MEDIA OR NETWORKS**

- A. The Chief of Police or the Chief's designee may authorize an employee to use social networks or social media sites for the purpose of promoting the Department's mission and goals.
- B. Any unit or employee receiving authorization to use social media sites to represent the Department shall be granted a site profile by the Social Media Manager.
- C. Department authorized social media sites shall, when practical:
  - 1. Indicate they are maintained by the Department.
  - 2. Bear authorized Department logo(s).
  - 3. List Department contact information prominently.
  - 4. Include a disclaimer that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department and the Department reserves the right to remove postings which violate federal, state, city, or departmental rules, regulations, ordinances, policies or standards (e.g., obscenities, commercial postings, political statements, or endorsements).
  - 5. Include the URL that links back to the Department's official website. Additionally, the Department's official website may include links to official Department social media sites.
- D. Employees shall adhere to the following guidelines when using Department-authorized social media.
  - 1. Employees authorized to use social media on behalf of the Department shall always conduct themselves as representatives of the Department and shall consider the impact that any post may have on the image and integrity of the Department.
  - 2. Employees should be aware that content they contribute to a social media site may constitute public information that is required to be preserved and archived according to the laws of the state of Texas, regardless of whether or not the posting of such content occurs when using Department equipment or the employee's personal devices, and whether or not the site is an official Department site, the employee's personal site, or a site owned, controlled, or administered by a third-party.
  - 3. Information posted on Department-authorized social media sites must be respectful, professional, and truthful. Corrections must be issued when needed to correct an error in a previously made statement of fact.

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

## **V. PERSONAL USE OF SOCIAL MEDIA**

- A. Unless contrary to any federal law, state law, or city ordinance, employees shall abide by the following when using social media for personal use:
  1. Employees are free to express themselves as private citizens on social media sites to the degree that their speech and/or language does not impair working relationships of the Department, impede the performance of their duties, impair discipline and harmony among co-workers, or negatively affect the public perception of the Department or the Town in general.

2. As public employees, Department personnel are cautioned that speech, whether on or off duty, made pursuant to their official duties – that is, speech which owes its existence to the employee’s professional duties and responsibilities – may not be protected speech under the First Amendment and may form the basis for discipline, up to and including termination, if deemed detrimental to the Department.
3. Employees shall not divulge information to which they have access as a result of their employment, including details regarding calls for service; make any statements, speeches, appearances, or endorsements for any product, service, or individual seeking public office; or public materials that appear to represent the views or positions of the Department or the Town without prior written authorization from the Chief of Police or the Chief’s designee.
4. Due to concerns for officer safety and to preserve tactical advantage, the posting of information related to any police response by any officer or assisting agency is absolutely prohibited without the approval of the Chief of Police.
5. Employees shall not post speech to social media networks that contains obscene or sexually explicit language, images, acts, statements, or other forms of speech that ridicule, malign, disparage, or otherwise express bias toward any individual or group. For the purpose of this policy, “sharing”, “retweeting” or otherwise reposting of content is considered the same as creating the content.
6. Employees shall not post images of department logos, banners, similar identifying items, nor post photographs of the employee wearing a department uniform, logo or insignia, in conjunction with the expression of personal opinions regarding any topic. Employees are further restricted from authoring, sharing, “liking”, “retweeting”, or otherwise expressing agreement with, posts on personal websites that would lead anyone to believe the website represents or has been approved by the Department. In these matters, the Argyle Police Department will make the determination as to whether or not the content tends to represent the official endorsement or approval of the Department.
7. The use of department logos, patches, uniform, badge, or similar identifying items as the background, profile picture, avatar, banner, or other distinguishing image on an employee’s social media shall have the effect of making posted or shared content subject to the provisions of this policy. The employee need not explicitly mention affiliation with the Argyle Police Department in the content.
8. Employees are encouraged to be mindful of their safety and the integrity of their careers, as well as the safety of their family and other officers, before posting any information on social media sites that identifies them as a member of the Argyle Police Department.
9. Employees are reminded that engaging in prohibited speech, as noted herein, may provide grounds for undermining or impeaching an employee’s testimony in criminal and/or civil proceedings which, in turn, may undermine the public confidence in the Department and the City, and, in some cases, make it impossible for the employee to perform one or more essential duties of the employee’s position (for example, testifying to matters under oath without such testimony being successfully and regularly impeached).

10. Department personnel are reminded that the Department's policies and Code of Conduct apply to on-line activities. There should be no expectation of privacy for items or activities conducted on-line.
11. Department personnel should be aware that privacy settings of social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
12. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department at any time without prior notice or consent.
13. Employees should make reasonable efforts to remove any posts made by a third party on a social networking site under the employee's control which are not in accordance with Departmental policy. For example, if a third party were to post inappropriate content on an employee's social media site, and the employee has held himself/herself out to be an employee of the Argyle Police Department or the City of Argyle, the employee is expected to immediately remove the inappropriate content from the employee's social media site after becoming aware of the inappropriate content (i.e., Facebook "takedown" policy).

## **VI. MONITORING OF SOCIAL MEDIA**

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